62- HQ-587-A SECTION 8

SERIALS APRIL 2, 1969---

62 -HQ-587-A-8

SECTION 8
APR: 2: 1969---

FBI - CENTRAL RECORDS CENTER

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INSIDE SOURCE

Kennedy

N038
DA
SIRHAN HEARING

SOLEDAD, CALIF. (AP) -- A NEW PAROLE-STATUS HEARING WILL BE SCHEDULED FOR SIRHAN B. SIRHAN, CONVICTED KILLER OF SEN. ROBERT F. KENNEDY, AFTER THE STATE BOARD OF PRISON TERMS RULED THAT SIRHAN HAD BEEN IMPROPERLY DENIED HIS PRISON FILE.

SIRHAN, 36, SAID THURSDAY HE HAS BEEN AN EXEMPLARY PRISONER AND DESERVED AN EARLY RELEASE.

BOARD MEMBER RALPH PIZARRO SAID SIRHAN SHOULD HAVE BEEN ALLOWED TO SEE HIS CENTRAL PRISON FILE BEFORE THURSDAY'S SCHEDULED HEARING ON WHETHER HE SHOULD BE GRANTED PAROLE. THE HEARING WAS CANCELED, AND A NEW ONE WILL BE HELD WITHIN 90 DAYS.

SIRHAN SAID PIZARRO'S DECISION WAS ''THE FIRST TIME THE BOARD HAD BEEN FAIR'' TO HIM. IT WAS NOT IMMEDIATELY KNOWN WHY SIRHAN HAD BEEN DENIED ACCESS TO HIS FILE.

THE STATE HAS SET A NOV. 11, 1984, PROSPECTIVE PAROLE DATE FOR SIRHAN, BUT IS REQUIRED TO HOLD A HEARING EACH YEAR TO SEE IF HE IS ENTITLED TO AN EARLIER RELEASE.

SIRHAN WAS DESCRIBED AS A RESPONSIBLE INMATE WHO HAS BEEN ''ABSOLUTELY NO PROBLEM,'' ACCORDING TO DAN BYRD, ADMINISTRATIVE ASSISTANT AT SOLEDAD STATE PRISON, WHERE SIRHAN IS AN INMATE.

SIRHAN ORIGINALLY WAS SENTENCED TO DEATH IN THE 1968 ASSASSINATION, BUT THE SENTENCE WAS REDUCED TO LIFE IMPRISONMENT AFTER THE STATE'S DEATH PENALTY LAW WAS RULED UNCONSTITUTIONAL BY THE SUPREME COURT.

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Mr. Stombaugh

Kensalt

A064
R A
SIRHAN 2-6
DAV LD
LOS ANGELES (UPI) -- A SUPERIOR COURT JUDGE THURSDAY DENIED A REQUEST FOR MORE TESTS ON THE BULLETS THAT KILLED SEN. ROBERT KENNEDY, SAYING THERE WAS "VERY SLIGHT" GROUNDS FOR BELIEVING MORE RESEARCH WOULD ACCOMPLISH ANYTHING.

JUDGE ROBERT WENKE DECLINED TO SANCTION MORE TESTS OF THE "SECOND GUN THEORY," SAYING IT IS NOT THE DUTY OF COURTS TO CONDUCT INVESTIGATIONS.

SEVEN EXPERTS REPORTED EARLIER THEY COULD FIND NO EVIDENCE TO CHANGE THE ORIGINAL VERDICT -- THAT KENNEDY WAS KILLED BY SIRHAN B. SIRHAN ALONE.

THE JUDGE DENIED A PETITION BY CBS-TV AND PAUL SCHRADE, A FORMER UNION OFFICIAL, WHO WAS ONE OF THE FIVE PERSONS WOUNDED WHEN KENNEDY WAS KILLED BY A FLURRY OF PISTOL SHOTS IN THE AMBASSADOR HOTEL KITCHEN IN 1968.

"ON THE BASIS OF THE TESTIMONY OF THE EXPERTS TO DATE, THE COURT IS OF THE OPINION THAT THE PROBABILITY THE RESULTS OF SUCH A TEST WOULD BE HELPFUL IS VERY SLIGHT," HE SAID.

SCHRADE IS SUING SIRHAN, NOW SERVING A LIFE PRISON TERM, FOR PERSONAL INJURY.

EARLIER IN THE PROCEEDINGS, SCHRADE FORCED EXAMINATION OF SIRHAN'S PISTOL, AND RECOVERED BULLETS AND FRAGMENTS, FOR EVIDENCE TO SUPPORT THE "SECOND GUN" THEORY, WHICH HELD THAT NOT ALL THE RECOVERED BULLETS COULD HAVE COME FROM THE SAME GUN -- MEANING SOMEBODY IN ADDITION TO SIRHAN WAS FIRING DURING THE ASSASSINATION.

THE JUDGE CONVENED A PANEL OF DISTINGUISHED BALLISTICS EVIDENCE EXPERTS FROM THROUGHOUT THE NATION, FROM BOTH LAW ENFORCEMENT AND PRIVATE LABORATORIES, WHO REFIRED THE PISTOL AND CONDUCTED OTHER TESTS.

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WASHINGTON CAPITAL NEWS SERVICE

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THEY REPORTED THEY COULD NOT FIND "ANY SUBSTANTIVE OR DEMONSTRABLE EVIDENCE" THAT MORE THAN ONE GUN WAS FIRED, AND FIVE OF THE SEVEN SAID THE SAME WEAPON FIRED ALL THE BULLETS THAT STRUCK KENNEDY AND BYSTANDERS. THEY CONCLUDED IT WAS "PROBABLE" THAT THE WEAPON WAS SIRHAN'S PISTOL -- WHICH SCORES OF WITNESSES SAW HIM EMPTY AT KENNEDY -- BUT THAT CHANGES IN THE EVIDENCE CAUSED BY THE PASSAGE OF TIME MADE THAT IMPOSSIBLE TO PROVE SCIENTIFICALLY.

THE JUDGE TOLD SCHRADE THAT IF HE WANTS MORE TESTS OF THE BULLETS, HE CAN ASK FOR THEM UNDER THE ROUTINE DISCOVERY PROCEDURES IN HIS CIVIL SUIT AGAINST SIRHAN. "INVESTIGATIONS ARE CONDUCTED BY POLICE, DISTRICT ATTORNEYS, GRAND JURIES AND OTHER AGENCIES -- BUT NOT BY THE COURTS," HE SAID.

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ASSASSINATION OF SENATOR ROBERT F. KENNEDY

(KENSALT)

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Bullet Hole Search Fails

Reuter

LOS ANGELES, Dec. 19—A team of ballistics experts, carpenters and photographers searched for seven hours Thursday night but found no additional bullet holes in the hotel kitchen where Sen. Robert F. Kennedy was shot, police said today.

"There were no other bullets found tonight nor any other conclusive evidence that bullets were anyplace where there might be evidence," Stephen Trott, Los Angeles County chief deputy district attorney, said Thursday.

The search was ordered Thursday by Los Angeles District Attorney John Van de Camp as a result of public pressure to see whether convicted assassin Sirhan B. Sirhan was the lone gunman at the death scene.

Kennedy was shot in June, 1968, at the Ambassador Hotel after an appearance while campaigning for the Democratic presidential nomination.

The Washington Post A-10
Washington Star-News _____
Daily News (New York) _____
The New York Times _____
The Wall Street Journal _____
The National Observer _____
The Los Angeles Times _____

Date 12/20/75

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TITE: KENSALT

UP-120
(RFK ASSASSINATION)
LOS ANGELES (UPI)--THE JUDGE REFUSED TUESDAY TO PERMIT TESTIMONY AT A HEARING ON THE ROBERT KENNEDY ASSASSINATION ABOUT THE FINDING OF A NINTH BULLET SLUG IN THE AMBASSADOR HOTEL PANTRY ALTHOUGH THERE WERE ONLY EIGHT BULLETS IN SIRHAN SIRHAN'S GUN.

SUPERIOR COURT JUDGE ROBERT WENKE RULED IT WOULD BE INAPPROPRIATE TO ADMIT SUCH NEW "EVIDENCE" AT A SESSION DEVOTED TO QUESTIONING FIREARMS EXPERTS ON HOW THEY REACHED THE CONCLUSION THAT NO "SECOND GUN" WAS INVOLVED IN THE 1968 SLAYING.

"WE ARE NOT RE-TRYING THE SIRHAN CASE," WENKE SAID.

THE JUDGE SAID, HOWEVER, HE MIGHT RECONSIDER PERMITTING THE TESTIMONY BY TWO LOS ANGELES POLICE OFFICERS AFTER THE EXAMINATION OF THE EXPERTS IS CONCLUDED.

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D A
KENNEDY 11-18
LST ADD NIGHT LD KENNEDY LOS ANGELES A246 X X X SHOOTING.
AT THE AFTERNOON SESSION, ANOTHER OF THE EXPERTS, LOWELL BRADFORD, TESTIFIED THAT HE THOUGHT IT WOULD BE HELPFUL TO HAVE CHEMICAL TESTS OF THE SIRHAN BULLETS AND ALSO TO EXAMINE "FLIGHT PATHS" OF THE BULLETS IN THE PANTRY.
BRADFORD SAID THAT, WHILE THERE WAS NO SUBSTANTATION OF THE SECOND GUN THEORY, THE POSSIBILITY OF A SECOND GUNMAN WAS GREATER THAN BEFORE THE EXPERTS CONDUCTED THEIR RE-FIRING.
AN ATTORNEY FOR THE DISTRICT ATTORNEY'S OFFICE SUGGESTED TO BRADFORD THAT HIS FINDINGS MIGHT EVEN SUPPORT A THEORY THERE WERE THREE GUNMEN IN THE AMBASSADOR HOTEL THAT NIGHT SEVEN YEARS AGO.
"I'LL STIPULATE TO TWO," SAID BUGLIOSI.
JUDGE WENKE, NOT AMUSED, RECESSED THE HEARING.
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TITLE!
KENSALT

Reports on Tests Sought in Shooting Of Robert Kennedy

Special to The New York Times

LOS ANGELES, Sept. 18—Reports on ballistics tests made by the chief investigator in the assassination of Senator Robert F. Kennedy, which may be in the custody of the Los Angeles Police Department, should be turned over to experts participating in the court-ordered retesting of evidence, attorneys said today.

Mel Levine, an attorney for Paul Schrade, one of five persons wounded in the Kennedy shooting, said that the seven-year-old report may be important in helping experts draw conclusions as to whether a second gun was fired when Mr. Kennedy was fatally wounded on June 5, 1968, in the Ambassador Hotel here.

"There are apparently substantial reports prepared by Mr. Wolfer, which hopefully will be forthcoming from the L.A.P.D., which we may need to answer some of the questions that have been raised," he said.

Mr. Levine was referring to DeWayne A. Wolfer, head of the police department's who crime laboratory, who tested much of the evidence used to convict Sirhan B. Sirhan, a Jordanian Arab now serving a life sentence for killing Mr. Kennedy. Mr. Wolfer testified today in the third day of hearings held to review the evidence.

Question Over Reports

Mr. Levine said that, according to Mr. Wolfer's testimony, comparative evaluations and chemical analysis reports on bullets retrieved from Senator Kennedy and other victims were apparently made. But Mr. Levine said that only the police knew whether such reports still existed.

Mr. Wolfer testified today that laboratory reports on ballistics evidence were routinely destroyed after three years, but he said he did not know whether any of the reports in the Kennedy case were still in existence.

Some of the controversy surrounding the tests made by Mr. Wolfer, who has been criticized by some as being less than thorough in his investigation, center on spectographic analysis tests. Mr. Wolfer has testified under oath that he made spectograms, which determine the chemical content of bullets, but they have never been found.

Proponents of the "second gun theory" contend that such tests are crucial in determing whether a second gun was fired.

One exhibit examined by Mr. Wolfer today was the clothing the Senator wore the night he was fatally shot. In one of the few dramatic moments in the usually tedious proceedings, Mr. Wolfer held up for identification a dark blue suit with the left sleeve missing, a blood-stained white shirt and other articles of clothing.

The Washington Post ____
Washington Star-News ____
Daily News (New York) ____
The New York Times P-16
The Wall Street Journal ____
The National Observer ____
The Los Angeles Times ____

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KENSALT

Court OKs Rules for New Look at Kennedy Evidence

BY WILLIAM FARR and JOHN KENDALL
Times Staff Writers

Procedures for reexamining ballistics evidence in the Robert F. Kennedy assassination case were approved by the court Thursday and a retesting by seven experts was ordered to begin Sept. 22.

Superior Judge Robert Wenke accepted the ground rules at the conclusion of a two-hour hearing after turning down a move by Los Angeles Police Department criminalist Dewwayne Wolfer to block the new tests.

Wolfer's attorney, George Franscell, opened his argument by saying he was appearing at the hearing "to protect the reputation of a well-known and internationally respected criminalist."

Franscell said it was not Wolfer's position to oppose retesting per se, but Wolfer holds that the reexamination should not be conducted because he believes the integrity of the exhibits could not be assured at this time.

Wenke still declined to rescind his Aug. 14 order, which directed that the bullets in the case be reexamined and that the gun of convicted assassin Sirhan B. Sirhan be refired, if necessary.

Wenke issued the order in response to petitions by the Columbia Broadcasting System and Paul Schrade, one of five persons wounded the night Kennedy was shot down in the Ambassador seven years ago.

The ground rules approved Thursday were hammered out between a battery of 13 attorneys representing CBS, Schrade, Sirhan and the offices of the attorney general, district attorney and county counsel.

In denying Wolfer's request that the retesting not be permitted, Wenke pointed out to Franscell that the agreed-upon procedures include provisions dealing with the integrity of the exhibits.

Specifically, one of the questions facing the experts who will conduct the tests is:

Is the condition of the exhibits at the present time such that a reliable firearms indentification can now be made?"

If the answer to that question is no, the experts are to report on "what accounts for that conclusion."

Another key question facing the experts is:

"Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?"

Dep. Dist. Atty. Kinko Bozanich also asked that there be a full hearing on how the county clerk's office has handled the exhibits.

Wenke delayed any ruling on this request but agreed to study a 700-page transcript of 1971 county grand jury proceedings into charges that the clerk's office was negligent in protecting the Sirhan trial exhibits.

The judge then ordered another hearing for next Tuesday and issued a subpoena for Wolfer to have the criminalist identify crucial exhibits in the case. Wolfer also was directed to bring all of his records on the ballistics tests he conducted.

"We intend to question Mr. Wolfer at some length on what he did and did not do in conducting such tests," attorney Meldon Levine, representing Schrade, told reporters after the hearing.

Godfrey Isaac, Sirhan's attorney, informed Wenke that he had discussed the scheduled retesting and that Sirhan gave his consent to the proposed procedure. "Naturally, he is very interested in the outcome," Isaac said.

Sirhan's lawyer nominated Charles V. Morton of the Institute of Forensic Sciences in Oakland to serve on the panel of experts. The appointment of Morton, who is president of the California Assn. of Criminalists, was approved by the other attorneys.

He will serve on the panel with Cortland Cunningham of the FBI, Alfred E. Biasotti of the California Department of Justice, former Santa Clara County crime laboratory director Lowell Bradford, Minneapolis criminalist Stanley O. Berg and Dr. Ralph F. Turner, a police science professor at Michigan State University.

Donald Champagne of the Florida Department of Law Enforcement also had been selected as a member of the panel but he has informed the court that he cannot serve. A replacement is expected to be named next week.

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Washington Star-News ____
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The New York Times ____
The Wall Street Journal ____
The National Observer ____
The Los Angeles Times PT-I-3

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Memory Hazy After Seven Years

RFK Case Ballistics Expert Quizzed

By Leroy F. Aarons
Washington Post Staff Writer

LOS ANGELES, Sept. 17—Seven years after the assassination of Sen. Robert F. Kennedy (D-N.Y.), the handling of the case has come back to haunt ballistics expert Wolfer.

Wolfer sat in a courtroom today facing a battery of nine lawyers, some friendly, but most of them pressing tough, piercing questions about his memory of the June 4, 1968, slaying of the presidential candidate and the subsequent conviction of Sirhan Sirhan as the lone gunman.

The two-day hearing, in Los Angeles County Superior Court, was a prelude to the re-examination of the ballistics evidence in the Kennedy case by an independent panel of seven experts, to begin on Monday.

tic for the police department submitted nervously to two days of questions about his testing of the bullets and his testimony at Sirhan's trial that they all came from one gun. Again and again, he replied: ". . . After seven years, I cannot recall." In some instances, he conceded that certain documents or elements of evidence were unavailable or apparently had been destroyed.

At issue was this question: Did Sirhan act alone, or, as some forensic experts are suggesting, was there a second gunman? The latter theory has grown recently to a full blown challenge of the original evidence in the Sirhan case, and of the efficiency of the investigation.

The panel of seven experts was chosen from a list recommended by several interested parties to a lawsuit filed by sons wounded in the Ambassa- Paul Schrade, one of five per- Kennedy was killed. Te panel dor Hotel pantry at the time will begin Monday to re-examine bullets recovered from the scene, as well as test bullets apparently fired from Sirhan's gun by Wolfer.

The panel's secret tests, which might ultimately include refiring of the Sirhan weapon, will seek to determine four things, according to the court order by Judge Robert A. Wenke:

1. Is the condition of the exhibits now such that reliable identification can still be made? Wolfer and others have indicated that time, wear, and unauthorized handling of the bullets and the gun may have damaged the integrity of the evidence.

2. If the exhibits are altered, how did they get that way?

3. If identification can be made, does Wolfer's identification of all the bullets as coming from Sirhan's gun stand up?

4. Or, is there support for the conclusion that a second weapon was fired at the time of the assassination?

Today's hearings was to establish the kinds of tests Wolfer performed seven years ago, and determine that the bullets, cartridges and gun are the same ones Wolfer dealt with at that time.

But attorneys for Schrade, Sirhan, and CBS, the latter of which is seeking access to evidence for a documentary on assassinations, kept challenging Wolfer's tehnique, efficiency and recordkeeping.

"Did you mark the bullet you used in the comparison test?" CBS attorney Howard Privett demanded.

"Here today, I do not know," replied Wolfer.

"Did you keep any records of such a marking?" Privett asked.

"Seven years later, I don't know if there was a record made."

"Did you make any effort to determine rifling marks, lands and grooves on the bullets?"

"I don't recall."

Throughout, Wolfer insisted that the Sirhan ballistics were a "routine" matter at the time, and therefore, by implication, did not require extensive, detailed recordkeeping. He reiterated his microscopic examination of straitions on the recovered bullets and those test-fired by Wolfer showed conclusively that all came from a single weapon.

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Washington Star-News ____
Daily News (New York) ____
The New York Times ____
The Wall Street Journal ____
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The Los Angeles Times ____

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No Evidence for 2nd Gun, RFK Death Probers Report

New York Times News Service

LOS ANGELES — A panel of firearms experts has unanimously agreed that there is no evidence to suggest that a second gun, in addition to the convicted assassin's weapon, was fired in the June 5, 1968, killing of Sen. Robert F. Kennedy.

But the seven-member panel, in a three-page "comprehensive joint report" released by a state court yesterday, said that it had been unable to determine whether three of the bullets it examined were fired from the pistol used by Sirhan B. Sirhan, who is serving a life sentence at San Quentin. Indications were stronger for the other four bullets fired that night.

The experts said deterioration of the bullets over the years had made identification impossible.

PROPONENTS of the "second-gun theory" considered the identification of two of the three bullets crucial in determining whether anyone besides Sirhan fired a weapon in the Ambassador Hotel pantry that night.

The two bullets — one removed from Kennedy's body and one taken from another victim — showed in ballistics tests what some investigators have said are apparent differences in the identifying markings left by a gun barrel, suggesting that perhaps the bullets were fired from different guns.

Retesting of the evidence in the Sirhan case was ordered Aug. 14 by Los Angeles Superior Court Judge Robert A. Wenke on a request by Paul Schrade, a former United Auto Workers official who was injured in the shooting, and by the CBS television network, which is planning a documentary on the assassination investigation.

TWO WEEKS AGO, the panel began testing the evidence in a jury room filled with scientific equipment. Each expert conducted a separate series of tests, and on Saturday each turned over to the judge his own sealed report along with the joint report.

Meldon Levine, Schrade's attorney, said he would reserve comment on the findings until a news conference today. He indicated that although the report presumed that only one gun had been used, his client would not accept that conclusion without studying each report in detail.

Thomas Krantz, a lawyer who represented the district attorney's office in the retesting, said that although he hoped the panel's findings would end speculation about a conspiracy, he realized that there were several other theories in addition to the second-gun theory.

SIRHAN'S attorney, Godfrey Isaac, said that he was now "forced to believe there was only one gun" fired, and would be concerned with no future legal proceedings in connection with the second gun on behalf of his client.

The retesting by seven of the top firearms experts in the country, who were flown here at county expense, came Sept. 26 when four test bullets were fired from the Sirhan gun into a six-foot-tall water tank.

The test was considered something of a milestone in the case since critics of the police investigation have insisted for years that the refiring was a simple way to end second-gun theory speculation.

THE EXPERTS attached lengthy worksheets to their report, detailing what tests they had made.

The report was read in a packed courtroom. Wenke dispelled the suspense quickly, saying the experts had found no reason to believe that anyone other than Sirhan had been involved in the shooting.

"There is no substantive or demonstrable evidence to indicate that more than one gun was used," the experts reported to Wenke.

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Washington Star-News A-2
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Mr. Gallagher

KENSALT

RFK Death Evidence Destruction Explained

By Robert Meyers
Special to The Washington Post

LOS ANGELES, Aug. 21—Two ceiling panels taken from the Ambassador Hotel after the 1968 assassination of Sen. Robert F. Kennedy have been destroyed by the Los Angeles Police Department, an official said today.

Assistant Chief Daryl F. Gates appeared before the Los Angeles City Council to explain news reports that certain pieces of physical evidence had been destroyed by his department.

Appearing with Gates was Dion Morrow, a lawyer on special assignment to Los Angeles city attorney's office, which represents the police.

Morrow told Councilman Zev Yaroslavsky, who has been raising questions about the police investigation of Kennedy's death, that not all material collected by the police was regarded as evidence.

Morrow explained that only material formally accepted by the court was, strictly speaking, evidence.

The two ceiling panels, X rays of the panels, and records of the X rays were all regarded as nonevidentiary material, Morrow said.

Gates added that such material was destroyed "because it had no evidentiary value. We would need a building bigger than Parker Center if we were to keep all such material," he said.

During the 1½-hour discussion of the issue, the councilman did not question Gates or Morrow about a sleeve from Kennedy's coat, and spectographic bullet analysis, which were also reported to be missing.

Yaroslavsky, unsatisfied with today's hearing, said he will introduce a motion Friday calling for a special committee to investigate the police department's handling of the assassination investigation.

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The Washington Post 6-NM
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Suit Criticizes Control Of Data in RFK Slaying

LOS ANGELES, Aug. 16 (UPI)—Claiming that some evidence in the Robert F. Kennedy assassination case has been lost or destroyed, five journalists asked the courts Friday to take the remaining evidence out of the control of police and county officials.

A companion action asked that all evidence and exhibits used in the trial of convicted Kennedy assassin Sirhan Sirhan and the upcoming probe of that case be made available for inspection by the public.

The suit claims that missing evidence in the case includes ceiling panels from the Ambassador Hotel, where Kennedy was shot after winning the 1968 California Democratic presidential primary, that "may prove that more than eight shots were fired." Such evidence would be of interest since Sirhan's gun could fire only eight shots.

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The New York Times ____
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The National Observer ____
The Los Angeles Times ____

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KENSALT

Robert F. Kennedy

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KENNEDY 9-18
DAY LD
BY JACK F. FOX

LOS ANGELES (UPI) -- THE TALKING ENDS TODAY IN THE "SECOND GUN" PROBE OF THE ASSASSINATION OF ROBERT KENNEDY AND THE SHOOTING STARTS MONDAY.

A THREE DAY COURT HEARING TO CONCLUDE TODAY WAS CALLED TO CONFIRM THE IDENTITY OF SIRHAN SIRHAN'S PISTOL, THE BULLETS REMOVED FROM KENNEDY AND BYSTANDERS AND OTHER EVIDENCE TO BE SUBMITTED TO A PANEL OF SEVEN EXPERTS FROM ACROSS THE NATION.

DEWAYNE WOLFER, THE CRIMINALIST WHO FIRST TESTED THE GUN AND OTHER EXHIBITS FOR SIRHAN'S TRIAL, TESTIFIED WEDNESDAY THAT THE MATERIAL HAS GREATLY CHANGED DURING THE SEVEN YEARS SINCE HIS EXAMINATION AND MAY NOW BE USELESS AS EVIDENCE.

AT ISSUE IS WHETHER ANOTHER GUN WAS FIRED IN THE AMASSADOR HOTEL KITCHEN WHEN KENNEDY WAS SHOT THERE IN 1968.

ALTHOUGH THERE IS NO DOUBT THE SIRHAN EMPTIED HIS REVOLVER AT KENNEDY FROM CLOSE RANGE, SECOND GUN THEORISTS MAINTAIN THAT NOT ALL OF THE BULLETS FIRED COULD HAVE COME FROM SIRHAN'S PISTOL. THEY ARGUE THAT THERE ARE INDICATIONS MORE SHOTS WERE FIRED THAN THE EIGHT SIRHAN'S PISTOL HELD AND THAT MARKINGS ON THE BULLETS REMOVED FROM KENNEDY AND FIVE WOUNDED BYSTANDERS DO NOT MATCH, SHOWING THEY CAME FROM DIFFERENT GUNS.

THE PANEL OF SEVEN EXPERTS IS EXPECTED TO BEGIN TESTS MONDAY, REFIRING SIRHAN'S PISTOL TO GET FRESH SLUGS FOR COMPARISON WITH THE BULLETS REMOVED FROM KENNEDY AND THE OTHERS.

WOLFER WAS ASKED WENESDAY WHETHER THE STRIATIONS -- MARKS LEFT ON THE LEAD BY PASSAGE THROUGH THE GUN BARREL -- ARE THE SAME ON THE SLUGS TODAY AS THEY WERE WHEN HE FIRST EXAMINED THEM.

"I'M SURE THEY'RE NOT," HE REPLIED.

HE TESTIFIED THAT HE FOUND THE BULLETS SO "TREMENDOUSLY DARKENED" BY AGE THAT HE NEEDED A MAGNIFYING GLASS TO DETECT HIS INITIALS, ETCHED ON THEM WITH AN ELECTRIC PENCIL AS AN IDENTIFYING MARK IN 1968.

HE IDENTIFIED HIS MARK ON BULLETS REMOVED FROM KENNEDY AND TWO OF THE WOUNDED, IRWIN STROLL AND IRA GOLDSTEIN AND PULLED FROM A MANILA ENVELOPE A REVOLVER HE IDENTIFIED AS SIRHAN'S.

WHEN AN ATTORNEY FOR SIRHAN ASKED WHETHER IT WAS STILL IN ITS ORIGINAL CONDITION, WOLFER SAID HE WOULD HAVE TO PULL THE TRIGGER TO DETERMINE THAT. HE STARTED TO DO SO.

"THAT WILL NOT BE NECCESARY," THE JUDGE CUT IN SHARPLY, HALTING HIM.

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KENSALT

Memory Hazy After Seven Years

RFK Case Ballistics Expert Quizzed

A-3

By Leroy F. Aarons
Washington Post Staff Writer

LOS ANGELES, Sept. 17—Seven years after the assassination of Sen. Robert F. Kennedy (D-N.Y.), the handling of the case has come back to haunt ballistics expert DeWayne Wolfer.

Wolfer sat in a courtroom today facing a battery of nine lawyers, some friendly, but most of them pressing tough, piercing questions about his memory of the June 4, 1968, slaying of the presidential candidate and the subsequent conviction of Sirhan Sirhan as the lone gunman.

The two-day hearing, in Los Angeles County Superior Court, was a prelude to the re-examination of the ballistics evidence in the Kennedy case by an independent panel of seven experts, to begin on Monday.

Wolfer, now chief of ballistics for the police department submitted nervously to two days of questions about his testing of the bullets and his testimony at Sirhan's trial that they all came from one gun. Again and again, he replied: ". . . After seven years, I cannot recall." In some instances, he conceded that certain documents or elements of evidence were unavailable or apparently had been destroyed.

At issue was this question: Did Sirhan act alone, or, as some forensic experts are suggesting, was there a second gunman? The latter theory has grown recently to a full blown challenge of the original evidence in the Sirhan case and of the efficiency of the investigation.

The panel of seven experts was chosen from a list recommended by several interested parties to a lawsuit filed by Paul Schrade, one of five persons wounded in the Ambassador Hotel pantry at the time Kennedy was killed. The panel will begin Monday to re-examine bullets recovered from the scene, as well as test bullets apparently fired from Sirhan's gun by Wolfer.

The panel's secret tests, which might ultimately include refiring of the Sirhan weapon, will seek to determine four things, according to the court order by Judge Robert A. Wenke:

1. Is the condition of the exhibits now such that reliable identification can still be made? Wolfer and others have indicated that time, wear, and unauthorized handling of the bullets and the gun may have damaged the integrity of the evidence.

2. If the exhibits are altered, how did they get that way?

3. If identification can be made, does Wolfer's identification of all the bullets as coming from Sirhan's gun stand up?

4. Or, is there support for the conclusion that a second weapon was fired at the time of the assassination?

Today's hearing was to establish the kinds of tests Wolfer performed seven years ago, and determine that the bullets, cartridges and gun are the same ones Wolfer dealt with at that time.

Attorneys for Schrade, Sirhan, and CBS, which is seeking access to evidence for a documentary on assassinations, kept challenging Wolfer's tehnique, efficiency and recordkeeping.

"Did you mark the bullet you used in the comparison test?" CBS attorney Howard Privett demanded.

"Here today, I do not know," replied Wolfer.

"Did you keep any records of such a marking?" Privett asked.

"Seven years later, I don't know if there was a record made."

"Did you make any effort to determine rifling marks, lands and grooves on the bullets?"

"I don't recall."

Throughout, Wolfer insisted that the Sirhan ballistics were a "routine" matter at the time, and therefore, by implication, did not require extensive, detailed recordkeeping. He reiterated his microscopic examination of stirations on the recovered bullets and those test-fired by Wolfer showed conclusively that all came from a single weapon.

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L.A. Council Presses for RFK Probe

LOS ANGELES — The City Council took the first step yesterday to join the county government in pressing for a new investigation of the assassination of Sen. Robert F. Kennedy, despite opposition from the police department.

Councilman Zev Yaroslavsky moved to ask the police department to turn over all files and evidence in the case and was supported by eight of the 14 other council members. The police chief and the police commission already have refused to provide that information to the county.

In another development, former Los Angeles County prosecutor Vincent Bugliosi ways he has information about a possible conspiracy in the assassination, but he will reveal it only to independent investigating body.

In a letter to county supervisors Monday, Bugliosi said he got the information from "people who have been devoting their lives to this RFK thing." But he declined to reveal the information or his sources, saying they had come to him as clients.

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KENNEDY 9-25
LOS ANGELES (UPI) -- SEVEN COURT-APPOINTED EXPERTS EXAMINED BULLETS FIRED FROM THE GUN OF SIRHAN B. SIRHAN THURSDAY IN AN ATTEMPT TO DETERMINE WHETHER A "SECOND GUN" WAS USED IN THE 1968 ASSASSINATION OF ROBERT F. KENNEDY.
THE FORENSIC SCIENTISTS FROM ACROSS THE COUNTRY WERE WORKING IN A LABORATORY SPACE SET ASIDE BY LOS ANGELES PRESIDING JUDGE ROBERT WENKE.
THE ORIGINAL GUN USED BY SIRHAN, NOW SERVING A LIFE TERM AT SAN QUENTIN PRISON, HAD NOT YET BEEN REFIRED AND THE DISTRICT ATTORNEY'S OFFICE SAID THE PROCEDURE WAS SO DELAYED THAT IT MAY NOT OCCUR WITHIN THE NEXT WEEK.
TWO LOS ANGELES POLICE OFFICER TESTIFIED AT A HEARING BEFORE WENKE THURSDAY THAT THEY COULD FIND NO ADDITIONAL EVIDENCE REPORTS IN THEIR FILES CONCERNING THE INVESTIGATION OF KENNEDY'S KILLING IN JUNE, 1968, IN PANTRY OF THE AMBASSADOR HOTEL.
DEWAYNE WOLFER, CHIEF FORENSIC CHEMIST OF THE LOS ANGLES POLICE DEPARTMENT, WHO PERFORMED THE BALLISTICS TESTS AFTER KENNEDY'S KILLING, SAID HE COULD NOT TESTIFY ABOUT HIS EXPERIMENTS WITHOUT DOCUMENTS TO REFRESH HIS MEMORY.
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Attorneys Select Experts to Retest Sirhan's Gun

LAPD Criminalist Who Testified on Firearms at Assassin's Trial Seeks to Bar New Check

KENSALT

Attorneys involved in the court-ordered retesting of Sirhan B. Sirhan's gun and reexamination of the bullets in the Sen Robert F. Kennedy assassination case agreed Monday on which experts should conduct the tests.

The lawyers also came to an agreement on what questions the tests should answer, according to documents filed with Robert Wenke, presiding judge of the Los Angeles County Superior Court.

Wenke is scheduled to preside over a hearing Thursday to finish drawing up procedures for the scientific tests he ordered Aug. 14 at the request of CBS and Paul Schrade, one of the five persons wounded the night Kennedy was fatally shot seven years ago at the Ambassador.

However, in a surprise development, DeWayne Wolfer, the Los Angeles Police Department criminalist who testified on firearms identification at the Sirhan trial, filed a motion asking that the tests not be permitted.

George Franscell, an attorney representing Wolfer, argued in a friend-of-the-court brief that neither CBS nor Schrade had any standing to ask the court for reexamination of the evidence.

On behalf of Wolfer, Franscell maintained that some of the experts suggested for the testing were prejudiced. Wenke is expected to rule on Wolfer's motion Thursday.

The agreement to have seven experts on the panel handling the retesting was agreed upon not only by CBS and Schrade but also by attorneys representing the state attorney general, the district attorney, the county counsel and Sirhan.

Names of the six experts were submitted to Wenke, with a seventh still to be suggested by Sirhan's lawyer.

Jointly recommended for the panel were Cortland Cunningham of the FBI in Washington, D.C., Minneapolis criminalist Stanley O. Berg; Lowell Bradford, former Santa Clara County crime laboratory director; Oakland police department criminalist John Davis; Alfred A. Biasotti of the California Department of Justice in Sacramento, and Dr. Ralph F. Turner, police science professor at Michigan State University in East Lansing, Mich.

The recommended starting date for the testing is Sept. 22. It was agreed that the experts should attempt to answer the following questions:

1—Is the condition of the exhibits at the present time such that a reliable firearms identification can now be made?

2—If the exhibits are no longer in a condition that permits a reliable firearms identification, what accounts for that conclusion?

3—If a firearms identification can now be made, does

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such an examination confirm the original identification made at the trial of Sirhan?

4—Do the exhibits in any way support a conclusion that a second weapon was fired at the time of the assassination?

Thomas Kranz, the special counsel appointed by acting Dist. Atty. John Howard to represent him, and Dept. Dist. Atty. Dink Bozanich filed a position paper with Wenke arguing for a considerably more detailed testing procedure than was agreed to by the other attorneys involved in the reexamination.

"We think very specific procedures should be outlined before the testing begins and we are hopeful that the judge will agree at the hearing Thursday," Kranz said.

The only other major suggestion not mutually agreed upon was the suggestion by Schrade's attorney, Meldon Levine, that a coordinator be appointed for the testing project.

Levine nominated Dr. Robert F. Joling, the president of the American Academy of Forensic Sciences, to serve in that role.

A special committee of the academy recently recommended that the ballistics evidence be reexamined because microscopic photographs indicated that a bullet taken from the neck of Kennedy did not match up with one that struck bystander William Weisel in the stomach.

The committee's findings, plus reports from other firearms experts, have led to increasing speculation that there was more than one gun fired in the hotel pantry when Kennedy was fatally shot June 5, 1968.

The five-member committee Monday named Ernani Bernardi to serve as chairman but then could not even agree on what the name of the committee should be.

Councilman Zev Yaroslavsky, whose resolution created the ad hoc group, wanted it to be called the Special Ad Hoc Committee to Review the Robert F. Kennedy Assassination Investigation.

But Councilman John F. Ferraro asked that the committee have a narrower title and scope limiting its purpose to reviewing police procedures in the Kennedy case and other investigations.

It was decided to delay naming the committee until after a transcript of the previous council meeting could be prepared to see if those proceedings shed light on what the scope of the committee's task should be.

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Mr. Gallagher
Mr. Hall

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... ROBERT KENNEDY ASSASSINATION, LOS ANGELES (UPI-...)

YAROSLAVSKY SAID HE CONTACTED A POLICE COMMANDER AND TWO MEN FROM THE CITY ATTORNEY'S OFFICE AFTER READING THE ARTICLE AND THEY COULD NEITHER DENY NOR CONFIRM MORROW'S STATEMENT.

MORROW, IN SACRAMENTO WHERE HE WAS ON BUSINESS, SAID THE NEWSPAPER ARTICLE WAS "SUBSTANTIALLY CORRECT" THOUGH HE HADN'T READ IT.

HE SAID HE LEARNED FROM SOMEONE WITHIN THE LOS ANGELES POLICE DEPARTMENT THAT IN JUNE, 1969, A "LOW-ECHELON" POLICE EMPLOYE DECIDED TO DESTROY THE CEILING PANELS BECAUSE THE SIRHAN TRIAL WAS OVER AND THE PANELS WERE NOT INTRODUCED AS EVIDENCE.

HE SAID THE SLEEVE WAS CUT FROM KENNEDY'S COAT IMMEDIATELY AFTER THE SHOOTING BECAUSE ONE OF THE WOUNDS WAS UNDER THE ARM.

"I'M SURE THE POLICE DIDN'T KEEP EVERYTHING THEY ACQUIRED FROM THE INVESTIGATION," HE SAID. "THEY ALSO KEPT A GREAT DEAL."

MORROW REPRESENTS THE POLICE COMMISSION AND THE CITY IN VARIOUS CIVIL CASES WHICH HAVE BEEN FILED TO OPEN UP THE ASSASSINATION EVIDENCE AND FILES TO THE PUBLIC.

"AS FAR AS I KNOW, THIS IS THE FIRST TIME THAT ANYONE HAS INDICATED THAT SOME OF THIS INFORMATION IS NO LONGER AROUND," YAROSLAVSKY SAID.

"THIS IS NOT A NORMAL HOMICIDE," HE SAID, "THIS WAS AN ASSASSINATION WHICH HAD RAMIFICATIONS NOT ONLY THROUGHOUT THIS COUNTRY BUT THROUGHOUT THE WORLD, AND THAT ONE YEAR AFTER THE ASSASSINATION THAT SOME PERTINENT EVIDENCE SUCH AS THE CEILING PANELS WAS DESTROYED, RAISES SOME SERIOUS QUESTIONS."

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RFK Death Evidence Probe Eyed

Reuter

LOS ANGELES, Aug. 20—The Los Angeles City Council today ordered an investigation into a report that some of the evidence in the assassination of Sen. Robert F. Kennedy has disappeared or been destroyed.

The council decision came shortly after a Los Angeles Superior Court judge ordered a re-firing of the revolver with which Sirhan Sirhan shot Kennedy. This was to test the theory that there may have been a second gunman at the scene.

The council set a hearing for Thursday following a story in the city's legal newspaper, The Daily Journal, quoting an official in the city's legal office as saying that bullet-market ceiling panels from the hotel kitchen where the senator was killed in June, 1968, had been destroyed.

Dion Morrow, a special counsel in the city attorney's office, was quoted as saying: "There were no Xrays made of the ceiling panels, and the panels were destroyed in June of 1969.

"There was no place to keep them—you can't fit ceiling panels into a card file."

Morrow also said the left sleeve of Kennedy's coat disappeared before Sirhan's trial in 1969.

Advocates of the "two gun" conspiracy theory claim that markings on the bullets fired at the scene show they could not all have come from Sirhan's gun.

Judge Robert Wenke last week ordered a panel of ballistic experts to be set up to refire Sirhan's gun early next month.

Sirhan trial Judge Herbert Walker ordered the evidence in the case preserved after Sirhan was sentence to death. The death sentence was later commuted to a life sentence, and the Palestinian immigrant will be due for parole in 1986.

The Washington Post
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Council Will Review Sen. Kennedy's Death

Panel to Study Procedures Used by Police in Probe

BY JOHN KENDALL and BILL FARR
Times Staff Writers

Nearly seven years after the case was officially considered closed, the City Council decided Friday to review the Los Angeles Police Department's procedures in the investigation of the assassination of Sen. Robert F. Kennedy.

Council members—in apparent response to growing public questions and demands to reopen aspects of the case—voted 10 to 1 to form a special five-member committee to conduct the review.

Meanwhile Friday, two private petitioners who had taken court action to get access to police case information lost before Los Angeles Superior Judge Norman Dowds.

Dowds refused to order the LAPD to open its files on the Kennedy assassination to CBS Television and Paul Schrade, one of five persons wounded at the time Sen. Kennedy was shot.

After the council vote, Councilman Zev Yaroslavsky expressed pleasure with the decision. He described it as a "great step forward" " for the council in asserting its responsibility for legislative inquiry.

The freshman legislator offered a resolution for formation of an ad hoc committee last week after the LAPD disclosed that ceiling panels taken from the Ambassador's pantry had been destroyed.

Asst. Police Chief Daryl Gates told the council the panels only had meaning as evidence when they were examined in the pantry where Kennedy was shot. Three bullet holes were in them.

"We could not rely on the Police Commission because it is the governing body of the Police Department and part of the executive branch of government of the city," Yaroslavsky said.

During the debate on Yaroslavsky's motion, Councilman Marvin Braude, who voted against the resolution, argued that questions about the Kennedy case should be asked of the Police Commission.

"Why do we have to set up another Ad Hoc Committee?" he asked. "This is nothing more than a police review board and it discredits the Police Commission."

The LAPD's position was expressed by LAPD Comdr. Joe Gunn. He said the department had no objection to an inquiry into methods of disposing of property not introduced as evidence.

However, he said, "We think it would be a mistake to have an ad hoc committee to look specifically into the assassination of Robert F. Kennedy.

"We don't think that is the issue. We think the issue is: How did the Los Angeles Police Department dispose of property that is not introduced into court?"

The question of scope of the review seemed certain to become a central issue in early organizational meetings of the special committee.

Formation of the committee was approved by council members John S. Gibson Jr., Ernani Bernardi, David Cunningham, Robert Farrell, John Ferraro, Gilbert Lindsay, Arthur K. Snyder, Peggy Stevenson, Joel Wachs and Yaroslavsky.

Council members Louis R. Nowell, Pat Russell, Robert M. Wilkinson and Donald D. Lorenzen were not present for the final vote.

Farrell offered an amendment to empower the Ad Hoc Committee to conduct "investigations relative to other incidents of alleged police misconduct" but it failed by a 3-8 vote.

At the same time the topic was before the City Council, Dowds was hearing lengthy legal arguments on the efforts by CBS and Schrade to have the police files on the investigation opened to the news media and general public.

Both CBS and Schrade were seeking access to the Police Department's 10-volume summary of the investiga-

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tion. Schrade's petition was broader and asked for release of all physical evidence plus the full 50,000 pages of investigative documents in the possession of the police.

Apparently, the commission will adopt a procedure similar to that it has adopted in the matter of questions about the Robert F. Kennedy assassination case. In short, it will establish a committee of a police official and a commissioner, assisted by legal counsel, to respond to specific requests of the Senate committee.

A committee spokesman explained last week that the committee, headed by Sen. Frank Church (D-Ida.), is "trying to find out whether or not the United States has been developing a system of a national police department where local police departments act as small branches . . .

"This issue has to be resolved," the spokesman said. "Are local police being used by the CIA to get around limitations imposed on CIA activities?"

Pfaelzer, asked Friday for her view of recent controversy surrounding various statements made by the police chief, said she has found in her work on the commission that Davis is "generally pretty reasonable once he gets the first shot fired."

Nonetheless, she expressed concern that Davis, in his public statements, appears to "be going in a very calculated way towards something. What that is, I can't say."

The commissioner added, "If he gets to the point where he has made it impossible for us (in the commission) to do other than public relations work, then we'll have to deal with it . . . We may get to the point where we have a confrontation, but I don't want to get to that point unless it's necessary.

"I don't appreciate all this constant turmoil. The chief is causing it—to what end I don't know," she said.

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POLICE YIELD A BIT ON KENNEDY INQUIRY

LOS ANGELES, Aug. 22 (UPI) —Officials backed down a bit Thursday in thei resolve to keep police files on the Robert F. Kennedy assassination sealed, agreeing to answer written questions about the 1968 shooting and the ensuing police investigation.

But the Police Commission still refused to turn over files on the case to anyone, including the authorities directing a re-examination of the case to determine whether there may have been a second gunman in addition to the convicted assassin, Sirhan B. Sirhan.

A high-ranking police official, meanwhile, insisted at a City Council hearing that any material gathered during the original investigation and later destroyed was irrelevant and had "absolutely no bearing on the case to determine the guilt or innocence of anyone."

The commission authorized a five-member panel to receive written questions from any interested party and to compose written replies containing as much available information as possible.

In cases where the questioner desires elaboration, he will meet in person with one member of the committee. All responses will be based on a variety of materials including a 10-volume summary of the police investigation, files of "factual back-up material," photographs of the death scene and the autopsy on Mr. Kennedy's body and statements by eyewitnesses.

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Kennedy Files Opening Backed

Nine on Council Urge Police to Disclose Data

BY WILLIAM FARR
Times Staff Writer

PART - 1

Nine city councilmen joined Tuesday in a motion urging the Los Angeles Police Department to make public its investigative files and the physical evidence in the Robert F. Kennedy assassination case.

The motion, introduced by Councilman Zev Yaroslavsky, was referred to the council's Police, Fire and Civil Defense Committee without debate.

Yaroslavsky said he expected the committee to conduct a hearing on the matter within the next several weeks.

At a City Hall press conference prior to submitting the motion, Yaroslavsky told newsmen:

"I'm not a lawyer, neither am I a ballistics expert. I don't have the answers here in my pocket. The Police Department holds the evidence that could resolve some of the doubts surrounding Sen. Kennedy's tragic death.

"We are simply doing what we can to aid the people of Los Angeles in obtaining the answers to their questions. The public has a right to know the answers to these questions. They are relatively easy to resolve."

Yaroslavsky said he thought the wide cross-section of council members who seconded his motion "is indicative of the people's insistence that the answers—or nonanswers—we have been given up to date are not satisfactory."

Joining Yaroslavsky in the motion were Dave Cunningham, Robert Farrell, John S. Gibson Jr., Gilbert W. Lindsay, Louis R. Nowell, Pat Russell, Arthur K. Snyder and Peggy Stevenson.

Yaroslavsky was flanked at the press conference by Cunningham and Paul Schrade, a former United Auto Workers union official who was seriously wounded as he stood near Kennedy on the night the senator was slain seven years ago.

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Asked whether the motion, if passed by the full council, would be binding on Police Chief Edward M. Davis, Cunningham said he was not certain but that he thought the chief "certainly would heed the message."

Schrade, who has succeeded in getting a court order to have Sirhan Sirhan's gun retested and the bullet evidence in his trial reexamined, also has filed suit to gain access to the Police Department's files on the case. CBS has filed a similar suit.

Both Schrade and the television network went to court after the Los Angeles Police Commission turned down their requests for a 10-volume summary of the investigation compiled by the Police Department.

"I am pleased that the nine members of the council have taken this initiative," Schrade said, "and I hope the Police Department will begin to realize how widespread the concern is."

Regarding the previous decision of the Police Commission to deny release of the 10-volume summary, Yaroslavsky said:

"The members of the Police Commission are not elected by the voters, but my fellow council members and I are, and are directly responsible to the citizens of this city. It is our responsibility to act on their behalf."

The police commissioners denied the request by CBS and Schrade on the grounds that the release of the investigative files would violate the privacy of innocent persons and breach the confidentiality inherent to all police investigations.

However, the commissioners promised to develop a procedure to fully answer queries on the case from the public and the news media.

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New RFK Death Probe Set

LOS ANGELES (UPI) — The county of Los Angeles has taken action which almost guarantees a new investigation into the 1968 assassination of Robert Kennedy.

The Board of Supervisors, in a 5-0 vote yesterday, instructed the county counsel to support a suit to determine whether Sirhan Sirhan acted alone or whether there was a "second gun" used in the senator's death.

It also requested the district attorney's office, which secured Sirhan's conviction for murder, to accede to reexamination of the ballistics evidence introduced at the 1969 trial.

ACTING DIST. ATTY. John Howard agreed. But he said his office had no doubt that Sirhan was guilty and that the verdict which resulted in life imprisonment for the young Palestinian immigrant was just.

"It is in the public interest to get this entire matter out in the open once and for all," said Supervisor Kenneth Hahn.

"Was there a conspiracy? Was the CIA involved? Was there a person other than Sirhan involved? Those are questions that need answering."

At his trial, Sirhan never denied he killed Kennedy. The prosecution produced a dozen witnesses who said they saw Sirhan firing a pistol into Kennedy's body at point-blank range in the pantry of the Ambassador Hotel.

BUT THE "SECOND GUN" theory has been advanced with increasing intensity recently on arguments that bullets removed from Kennedy's body did not match those which wounded other persons standing nearby.

There also have been claims that, although Sirhan's gun could hold only seven bullets, there was evidence more than seven were fired.

In a suit to be heard tomorrow in Los Angeles Superior Court, Paul Schrade, a United Auto Workers official who was at Kennedy's side and who was injured in the shooting, has asked a reopening of the case.

Schrade has demanded the pistol wrested from Sirhan's hand be refired, that the bullets be compared with those taken from Kennedy's body and that other ballistics evidence be reviewed.

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(KENNEDY)

LOS ANGELES (UPI) -- CLAIMING THAT SOME EVIDENCE IN THE ROBERT KENNEDY ASSASSINATION CASE HAS BEEN LOST OR DESTROYED, FIVE JOURNALISTS ASKED THE COURTS FRIDAY TO TAKE THE REMAINING EVIDENCE OUT OF CONTROL OF POLICE AND COUNTY OFFICIALS.

A COMPANION ACTION ASKED THAT ALL EVIDENCE AND EXHIBITS USED IN THE TRIAL OF CONVICTED KENNEDY ASSASSIN SIRHAN SIRHAN AND THE UPCOMING PROBE OF THAT CASE BE MADE AVAILABLE FOR INSPECTION BY THE PUBLIC.

THE SUIT CLAIMS THAT MISSING EVIDENCE IN THE CASE INCLUDES CEILING PANELS FROM THE AMBASSADOR HOTEL, WHERE KENNEDY WAS SHOT AFTER WINNING THE 1968 CALIFORNIA DEMOCRATIC PRESIDENTIAL PRIMARY, THAT "MAY PROVE THAT MORE THAN EIGHT SHOTS WERE FIRED." SUCH EVIDENCE WOULD BE OF INTEREST SINCE SIRHAN'S GUN COULD FIRE ONLY EIGHT SHOTS.

THE PLAINTIFFS INCLUDE TWO FREE-LANCE JOURNALISTS -- TED CHARACH, PRODUCER OF THE MOVIE "THE SECOND GUN," WHICH SUGGESTS THAT SOMEONE BESIDES SIRHAN SHOT KENNEDY, AND DONALD FREED, CO-AUTHOR OF THE NOVEL "EXECUTIVE ACTION," BASED ON THE JOHN F. KENNEDY ASSASSINATION.

THE OTHER PLAINTIFFS ARE WOODROW THOMPSON, CITY EDITOR OF THE LOS ANGELES FREE PRESS; JONATHAN NEWHALL, FOUNDER OF THE ZODIAC NEWS SERVICE BASED IN SAN FRANCISCO; AND JAMES HORWITZ, A COLUMNIST.

THEIR SUIT ALLEGES THAT DEFENDANTS INCLUDING POLICE CHIEF ED DAVIS, SHERIFF PETER PITCHESS, ACTING DISTRICT ATTORNEY JOHN HOWARD AND COUNTY CLERK CLARENCE CAHILL HAVE DEMONSTRATED THEIR FAILURE TO ADEQUATELY MAINTAIN, PROTECT AND PRESERVE" THE KENNEDY ASSASSINATION EVIDENCE.

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New Probe in Slaying of Sen. Kennedy Demanded

Nearly seven years after Sen. Robert F. Kennedy was killed, former New York Congressman Allard Lowenstein returned to Los Angeles Friday to again demand that the assassination case be reopened.

"We're going to get these things done at some point," he said. "The American people are not going to tolerate stonewalling on the issue of who murdered one of the most significant people in our history."

Lowenstein's campaign to reinvestigate aspects of the senator's death took him from Harvard, Stanford and Berkeley in three days and he was to appear at UCLA Friday night.

"It's beginning to sound like a broken record," commented Los Angeles County Dist. Atty. Joseph P. Busch. "All I can say is, "'Play it again, Allard.'""

Busch has repeatedly denied that there is evidence to justify reopening the case.

Before appearing at a press conference at the Greater Los Angeles Press Club Friday, Lowenstein had been in Sacramento, talking to legislators about the case.;l

He was supported in his appearance in Los Angeles by Dr. Robert J. Joling, presidnet of the American Academy of Forensic Science and associate professor of medicl jurisprudence at the University of Arizona. Joling said he was acting as an individual not a academy president.

With the aid of a slide exhibit, Joling ralked about evidence in the trial of convicted assassin Sirhan B. Sirhan and said there is sufficient difference of opinion to warrant further investigation of the case.

In sum, Joling said a photograph of a bullet found in Kennedy's neck and a slug removed form another victim wounded in teh pantry of the Ambas-

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sador shortly after midnight on June 6, 1968, indicates the bullets may not match.

The ciminalist said the bullet taken from the senator's body appeared to have one ring, called a cannelure, around it, while the other bullet and a test bullet appeared to have two cnnelures.

Yet, Joling went on, all the shells taken from Sirhan's .22-caliber gun were made by Cascade Corp. of Lewiston, Id., and Cascade only makes long rifle minimag ammuntion with two cannelures.

Joling admitted that the photograph, taken by Pasadena ballistics expert William W. Harper, was not conclusive proof of a difference in the bullets but he suggested it was enough to warrant examination of the evidence again.

He favored the appointment of a panel of outside experts to settle questions raised about the bullets.

"It doesn't take any time or any money to do the things we ask," Lowenstein said.

He specified those steps as the firing of Shirhan's gun, analysis of the bullets' chemical composition, examination of ceiling panels in the hotel pantry and investigation of Kennedy's shoulder pad to determine the path of a bullet which pierced it.

"If all three holes in those ceiling panels are entry holes," Lowenstein said, "that's the ball game. That's three bullets that went up into the ceiling and seven were recovered from the victims to that's 10 bullets."

Sirhan's gun held eight bullets.

Lowenstein insisted that he and Joling and those who support reopening the case have not reached any preconculsions but only want to settle once and for all the rumors that there was more than a single assassin.

He said he had not always pressed so vigorously for reopening of the case and, in fact, had resisted questions raised while he was a congressman.

His renewed interest began, Lowenstein said, when he discovered that "many of us had thought that we had been naive about the kinds of things that had gone on in the United States."

He said he began looking into the case with the expectation that he would find nothing but that when he found difficulties, authorities had no answers.

"I said, 'How could we have eight bullets do all this when seven were recovered and here were three holes in the ceiling panels and one in his coat and one in his chest?'

"How could these bullets inflict all those holes?

"And then when I discovered that the answers I was getting were not accurate answers and there was an effort to stonewall, that whetted my feeling that we have to pursue the question to find out what in fact occurred."

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Judge Denies Access to Files on RFK

From News Dispatches

LOS ANGELES, Aug. 30—The CBS network and one of the men wounded in the assassination of Robert F. Kennedy have been turned down by a judge in their bid for access to the police department's files on the slaying.

Superior Court Judge Norman Dowds ruled Friday that California's Public Records Act clearly says that police investigation records need not be disclosed to the public.

But Dowds said, "If anyone is interested in my personal opinion, I think that this long after the event the police department and police commission could consider disclosure of these records."

CBS sought access to the department's 10-volume summary of the investigation, and Paul Schrade asked in addition for the release of all physical evidence and the full 50,000 pages of investigative documents in the case.

Schrade was a Kennedy supporter who was wounded in the shooting at Los Angeles' Ambassador Hotel on June 5, 1968, on the night of Kennedy's victory in the California Democratic presidential primary.

The chief question in the controversy is whether Sirhan Sirhan, convicted of murder in the case, was the lone assassin.

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2d Gun Theory to Get Airing

Year-Long Public Pressure Resisted by Police in RFK Slaying

By Leroy Aarons
Washington Post Staff Writer

LOS ANGELES, Aug. 28—The theory of a second assassin in the 7-year-old slaying of Robert F. Kennedy is being given a hearing here after a year of mounting public pressure and strong resistance by law enforcement officials.

A Superior Court judge ruled recently that ballistics evidence in the case should be re-examined, including, if necessary the refiring of the murder weapon. He ordered a hearing Sept. 11 to choose a panel to conduct the tests.

The action, by Judge Wenke, was a major victory for a small group of individuals who have raised the question of whether Sirhan Sirhan was the lone gunman in the Ambassador Hotel shooting on June 5, 1968.

The leaders of the drive are Paul Schrade, one of five individuals wounded during the shooting, and Allard K. Lowenstein, a former member of Congress who was adviser in Kennedy's primary campaign for the presidency.

Schrade and Lowenstein, joined by several others, claim that there is new evidence casting doubt on the previously unquestioned one-gunman concept. Sirhan was convicted after what Los Angeles police called the most thorough criminal investigation in history. It was universally assumed at the time that he had acted alone.

However, a number of forensic experts acting indedependently have since scrutinized portions of the evidence, either directly or by photograph, and have concluded that there is reasonable doubt that all the bullets recovered at the scene were fired from the same gun.

At first treated with skepticism and vigorously resisted by both the police department and district attorney's office, the campaign for a new look at the Kennedy case gained momentum in recent weeks with these developments:

• On July 13, the American Academy of Forensic Scientists issued a call for re-examination of the Kennedy evidence based on the conclusions of an ad hoc committee that "legitimate forensic questions in the Robert F. Kennedy case have been raised."

• Shortly after that, acting District Attorney John Howard announced appointment of a special counsel, Thomas Kranz, to re-examine all the evidence and investigatory material in the case and come up with recommendations for future action. This was a reversal for the DA's office, which had been resisting a restudy, although its position softened in recent months. Howard was one of three prosecutors in the Sirhan trial.

• The Los Angeles County Board of Supervisors, in another reversal, voted unanimously Aug. 12 to support re-examination of the evidence. A year ago the board voted 3 to 2 against the motion by Supervisor Baxter Ward that the district attorney be asked to petition the court for a restudy.

• The Los Angeles City Council voted unanimously last week to urge that all investigative files in the Kennedy case be made public. They followed that with a hearing [illegible] Superior Court Judge Wenke is to hear arguments on another motion Friday, from Schrade and others, that physical and documentary evidence held by the Los Angeles Police Department be open to inspection. The department up to now has refused on grounds that the files contain reports from thousands of leads, many of which would invade privacy if exposed.

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The "second gun" theory, in its simplest form, is based on this allegation: photographic examinations of several bullets, previously assumed to be from the Sirhan gun, by forensic expert William Harper and others revealed distinctive differences in markings and design—enough for them to infer that the bullets came from different weapons, or, at the least, not to allow the flat conclusion that they came from the same gun.

There are other contradictions regarding the number of bullet holes, trajectories, and differences in testimony as to the distance of the death weapon from the senator.

At the Sept. 11 hearing, Wenke is to decide on a procedure based on the viewpoints of several parties to the case, including the district attorney, the state attorney general, lawyers for Schrade and for CBS, which is seeking access to

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evidence for a documentary. and Sirhan's lawyer.

The judge is expected to order some form of scientific re-examination of the bullets by a body of experts followed by probable refiring of the Sirhan gun.

Should the tests show conclusively that more than one gun was involved, it could lead to a reopening of the entire Kennedy investigation.

But even if it merely casts doubt on the completeness of the original investigation, the impact on the reputation of Los Angeles law authorities could be enormous.

Most vulnerable would be De Wayne Wolfer, the police department's chief forensic analyst, who has given balistics evidence in dozens of cases before and since the Sirhan trial. He testified unequivocably at that trial that all eight recovered bullets were from Sirhan's gun.

Also at stake is the prestige of the police department, the district attorney's office and state Attorney General Evelle Younger, who was district attorney at the time of the Sirhan trial.

"There's a broader question here, beyond just the Kennedy case," said Robert Joling, president of the American Academy of Forensic Scientists, in a telephone interview from his home in Tuscon. "It's whether or not standard procedures for testing of firearms are being followed in the nation's police departments.

"We also need to ask should crime labs be divorced from the jurisdiction of police departments? Are we having people under pressure giving answers the police department wants?"

Joling, who is contributing chapters to a new book on he Kennedy assassination, hastened to add that "this is not a matter of trying to castigate Wolfer and the LAPD. This (retesting) their reputations. It's possible he (wolfer) is correct, should be done to protect and if he is, we should be big enough to say he's right."

Further complicating the piture here is that several of the principals in the Kennedy issue are vying for interim appointments as district attorney, following the death of Joseph Busch last June. The Board of Supervisors will make the appointment in several weeks.

There are 23 candidates in all, including Kranz, the special counsel hired by the DA's office, John Howard, the acting DA, and Sam Williams, president of the Los Angeles Police Commission.

A longshot candidate is Vincent Bugliosi, former deputy district attorney who prosecuted Charles Manson and who has run unsuccessfully in the elections in the past for both district attorney and attorney general.

Bugliosi, who is anticipating another race for district attorney in 1976, has picked up on the second-assassin issue, claiming to have had new evidence which he will divulge only if an independent investigation is created.

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Flaws in RFK-Sirhan Case Cry for Fresh Look

By Allard K. Lowenstein

Almost nobody has noticed, but the official theory of the assassination of Sen. Robert F. Kennedy has fallen apart.

These are the most troublesome problems raised by the evidence now available:

1. The autopsy establishes that Kennedy was shot three times at point-blank range. The bullets entered back to front. The fatal bullet entered Kennedy's head behind his right ear from a distance of 1 to 1½ inches.

These facts are not in dispute, yet no credible witness places the gun of Sirhan Sirhan — the man convicted as Kennedy's killer — in a position to have fired these bullets. The consensus of eyewitness testimony places Sirhan's gun 2 to 3 feet in front of Kennedy. Pete Hamill (the writer), Frank Burns (a Los Angeles attorney) and others who saw the shooting at close range are unequivocal on this point: That Sirhan's gun was never close to the place from which were fired the bullets that inflicted the wounds described in the autopsy.

Karl Uecker and Richard Lubic were two of the people closest to the actual shooting. (Uecker was assistant maitre d' at the hotel where the shooting occurred; Lubic is an inde-

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pendent television producer.) This is what they saw:

UECKER: *"There was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. . . There is no way the shots described in the autopsy could have come from Sirhan's gun."*

LUBIC: *"The muzzle of Sirhan's gun was 2 to 3 feet away from Kennedy's head. It is nonsense to say that he fired bullets into Kennedy from a distance of 1 to 2 inches, since his gun was never anywhere that near to Kennedy."*

These witnesses told these facts to the authorities at the time of the original investigation into the assassination.

2. Leading ballistics experts have examined the relatively undamaged bullets (or technically proficient photographs of these bullets) that were removed from Kennedy's neck and William Weisel's stomach. These experts report that it is very unlikely that these two bullets could have been fired from the same gun. William Harper, a leading California criminalist whose findings raised the first serious questions about the ballistics evidence in the case, concluded:

Allard K. Lowenstein, an attorney, was a member of Congress from New York from 1969 to 1971.

". . . Two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting. . . It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Kennedy."

A panel of experts analyzed the ballistic evidence at the convention of the American Academy of Forensic Sciences in Chicago in February. The experts agreed that this evidence required a reopening of the investigation, and that reliable scientific measures could be taken that would help clear up at least some of the confusion.

One member of the panel, Prof. Herbert MacDonell, a world-renowned authority in forensic pathology, stated flatly, "The bullet removed from Kennedy's neck could not have come from Sirhan Sirhan's revolver."

MacDonell based this conclusion on a study of the cannelures on the bullets recovered from Kennedy's neck and Weisel's stomach. "Cannelures" are concentric rings formed in a bullet's surface and running around its circumference. MacDonell reports that the Kennedy bullet, a .22-caliber long-rifle minimag, has one cannelure, while the Weisel bullet has two. The eight empty cartridge cases taken from Sirhan's Iver-Johnson revolver were made by the Cascade Manufacturing Co. of Lewiston, Idaho, which has informed MacDonell that it has never manufactured any .22-caliber long-rifle bullets with one cannelure.

3. Bullets from a gun test fired by the Los Angeles Police Department criminalist, DeWayne Wolfer, were entered into evidence at Sirhan's trial as Exhibit 55. Wolfer testified that these bullets matched the bullet that was recovered from Kennedy's neck, and that therefore the bullets that hit Kennedy could only have been fired by the gun he had test fired. The serial number of that gun, inscribed in Wolfer's handwriting on Exhibit 55, is H18602. The serial number of Sirhan's gun is H53725.

Wolfer says this discrepancy is the result of a "clerical error." Requests to test fire (or refire) H18602 brought the information that that gun had been destroyed by the LAPD. Requests to test fire (or refire) H53725 have been refused.

Thus, at this time, it is impossible to discover whether Sirhan's gun, H53725, has ever been test fired. But the sworn testimony of Wolfer is that the bullets that killed Kennedy were fired by a different gun, H18602, and no other gun in the world.

4. Sirhan's gun could and did fire eight bullets. One bullet was recovered from each of the five bystanders who were shot in the pantry. Two bul-

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lets were recovered from Kennedy — one, shattered, from his head (the fatal bullet), and the other, discussed above, from his neck. Thus, seven of the eight bullets that Sirhan could have fired have been recovered. An eighth bullet is officially described as "lost in the ceiling interspace."

Another bullet exited Kennedy's chest, and still another passed through the right shoulder pad of his jacket. The LAPD removed three panels from the sound-paneling below the ceiling and booked them as evidence because they contained bullet holes.

The official explanations of how eight bullets caused all this damage are varied and confusing. But no matter how many theories are advanced, one fact is inescapable: if only eight bullets were fired, one bullet had to enter one of the ceiling panels, bounce off the floor above, exit through another ceiling panel, and end finally in one of the bystanders.

The official position is that the bullet removed from the head of a bystander, Mrs. Elizabeth Evans, did this. Mrs. Evans had lost her shoe, and was stooped over to retrieve it when she was hit in the forehead by a bullet from the ceiling that then progressed into her scalp. This bullet weighed 39 grains when fired. Thirty-one grains were removed from Mrs. Evans' head, and an additional fragment is still in her scalp.

It should be added that at the time of the assassination at least one more bullet was reliably reported to have been found in the pantry. An AP wirephoto taken on June 5, 1968, shows two policemen examining what the AP caption describes as a "Bullet Found Near Kennedy Shooting Scene." It is located in a door frame that was booked into evidence by the authorities. The LAPD and the office of the district attorney now say this report was inaccurate.

5. The local authorities have tried to reinforce their version of events by continually repeating two statements they know are false:

A. "No one saw any other weapon," as Joseph Busch, now the Los Angeles district attorney, has put it to *Stern* magazine and others. In fact, Busch knows there was at least one other gun in the pantry, that it was drawn, and that it was located in the area from which the bullets that hit Kennedy were fired.

Richard Lubic is among those who saw that gun: ". . . I saw a man in a guard's uniform standing a couple of feet to my left behind Kennedy. He had a gun in his hand and was pointing it downward."

The man that Lubic saw "in a guard's uniform" was a part-time security guard who had been hired by the Ace Guard Service of Van Nuys, Calif. The guard has subsequently acknowledged that he was standing just behind Kennedy, that he was carrying a gun, and that he drew it "to protect Kennedy." He denies having fired this gun.

B. Busch has repeated on national TV and elsewhere the odd statement that every witness saw Sirhan kill Kennedy — a statement that should be compared with the testimony of eyewitnesses summarized in item 1 above.

Perhaps even more revealing than these general misstatements about the eyewitness testimony is Busch's reply when asked to name one such eyewitness. "Karl Uecker," he said on NBC's *Tomorrow* show. He told *Stern* magazine, "We have a witness who saw that Sirhan's weapon was right at Kennedy's head. . . Karl Uecker. He's our man."

I have included an excerpt from Uecker's statement with the general summary of eyewitness testimony. But in view of Busch's description of Uecker as "our man," it may be useful to quote Uecker's statement in full:

> *"I have told the police and testified during the trial that there was a distance of at least 1½ feet between the muzzle of Sirhan's gun and Kennedy's head. The revolver was directly in front of my nose. After Sirhan's second shot, I pushed his hand that held the revolver down, and pushed him onto the*

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steam table. There is no way that the shots described in the autopsy could have come from Sirhan's gun. When I told this to the authorities, they told me that I was wrong. But I repeat now what I told them then: Sirhan never got close enough for a point-blank shot, never."

It is worth noting that Uecker has raised still another problem. At least four bullets hit Kennedy or his clothing. If Sirhan was "pushed onto the steam table" after firing two shots, it is difficult to see how he could have fired four shots that hit Kennedy. The six other bullets Sirhan fired would have had to hit other targets, since he could hardly have shot Kennedy from behind at point-blank range while he was struggling on the steam table.

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If the Los Angeles authorities want their theory to regain any credibility with people who know the facts, they will have to deal with this eyewitness and ballistics evidence, which to date they have ignored, concealed or distorted. They seem to believe that repeating misstatements will make them come true, or that awkward questions can be made to go away by impugning the questioners.

Like many others, I tried for a long time afterward to avoid anything connected with the assassination of Kennedy. The loss was too staggering, and it was hard enough to move ahead without making matters even more difficult by picking at a scar too close to the heart. Furthermore, the facts seemed obvious, and in the context of those times there seemed no reason to question the obvious.

During my term in Congress, I continued to refuse to listen to questions about any of the assassinations. I believe we all are indebted to those people who researched these questions and kept them alive during that long period before revelations about other matters finally made some of us realize how closed-minded we had been about the assassinations.

Even when I finally began to look into the evidence, I found myself hoping that the local authorities would provide satisfactory explanations for the troublesome problems that arose.

And I was reluctant to get into a public discussion that I knew would cause more pain for the Kennedy family, which, God knows, had suffered enough.

For these reasons, I met privately with the authorities over the course of a year before I was willing to accept the fact that such private efforts were futile.

It was at that point that I joined with Paul Schrade to raise questions publicly. Schrade, a United Auto Workers official who was working in the Kennedy campaign, almost lost his life during the shooting in the hotel pantry. He is a man of rare quality and spirit. We believed that the force of our questions would arouse enough public concern to encourage official cooperation in a quest for adequate answers.

It is now apparent, however, that no matter how grave the questions, and no matter who asks them, the officials most directly concerned are determined to stonewall as long as they can. Their misstatements grow more strident, and they are dug in to resist any effort to explore the problems posed by the evidence. They will continue to say that the case is closed because Sirhan was convicted and there is no "new" evidence, as if old evidence becomes irrelevant if one simply suppresses or ignores it until it has aged.

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Of course, stonewalling involves the risk that failure compounds one's difficulties. But, by definition, stonewalling does not fail if it succeeds — that is, if aggressively trumpeted falsehoods dissuade further investigation, the falsehoods go generally undetected and no one realizes there has been any stonewalling. So the present policy of the Los Angeles authorities is a gamble, but it is a gamble at reasonable odds. For there will be no outcry for a new investigation if people do not know the facts that warrant an outcry — and they cannot know these facts if there isn't adequate media coverage. If there is no public outcry, few people in positions of influence will risk their reputations to press for reopening the case. (My wife says I am now in transit from "former congressman" to "current kook").

Which takes us full circle: How can we get a fresh, independent investigation if the facts that demand such an investigation are stonewalled into nonexistence?

The reason most frequently given for the absence of coverage is a variation on the official excuse for inaction: facts about this case, however significant, are not "new." Sometimes this seems to mean that if a newsboy's insomniac grandmother once heard something on a late-night talk show in Dubuque, the rest of the public can't find out about it unless they happen to know her.

But even this reasoning cannot explain why developments that merit front-page treatment in Europe go virtually unreported in the United States. Few Americans have heard, for example, about the conclusions of the panel of ballistics experts cited above, or know about the plea of four of the bystanders who were shot, or have seen the statements of the witnesses closest to the scene of the murder.

Recently, several *Stern* magazine reporters conducted an extended investigation. Their findings were detailed in a cover story entitled, "The Real Murderer (of Robert Kennedy) Is Still Free." Those findings were not reported in the United States.

Given these experiences, it's hard to think of anything that will get much media attention, short of someone confessing on the Capitol steps. And meanwhile, the American public has no way to discover that a crime that changed the course of our history is unsolved, with all the potentially enormous significance that fact may hold for the future of the nation.

If the stonewalling succeeds, we will be compounding the tragedy of Robert Kennedy's murder. For what commands the reopening of this case is not curiosity, nor devotion to abstract concepts of justice, nor sentimentalism about Kennedy. What commands the reopening of this case is the grisly question of whether disasters may loom ahead that could be averted if we found out more about disasters already past.

III

Since the weight of the evidence now available conflicts so sharply with the official version of what happened, a number of widely accepted scientific tests have been proposed to help resolve these conflicts. These include the following:

1. Test fire the Sirhan gun (H53725), and convene an independent panel of ballistics experts to compare the test-fired bullets with the bullets recovered from Kennedy's neck and Weisel's stomach.

2. Administer Neutron Activation Analyses to the seven recovered bullets to help determine if they were all fired from the same gun.

3. Submit the three ceiling panels that have bullet holes to expert examination to determine if the bullet holes are entry or exit holes.

4. Produce the shoulder pad of Kennedy's jacket to determine if the bullet that went through it entered from the front or from behind.

5. Submit the door frames described in the June 5, 1968, AP wirephoto to expert examination to determine if the hole in it was in fact caused by a bullet; and produce the policemen in that wirephoto to explain why they said they were pointing to a bullet, if in fact they were not.

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I have been assured by ballistics authorities that the inquiries described above should provide valuable and possibly definitive information if the items to be studied have not been tampered with.

The local authorities refuse to take these steps on the grounds that Sirhan's trial resolved these issues. But that trial, as they well know, did not deal with these issues at all, since Sirhan's attorneys asserted that he alone had killed Kennedy and based his defense solely on Sirhan's mental state. Grant Cooper, Sirhan's chief counsel in the trial, has said he would have conducted a very different defense had he known then what he knows now Sirhan himself wants a new trial.

But the basic problem is not a narrow legal one. Sirhan was not an innocent bystander improperly imprisoned. He was shooting when Kennedy was killed, and five persons were struck by bullets he fired. Four of these persons, who have special reason to hold no brief for Sirhan, have expressed dissatisfaction with the present state of the case and have asked that it be reopened.

If the problem were simply an individual's innocence or guilt, the judicial process would be the logical and proper way to resolve it. But Sirhan could be found innocent in a trial, and we would still not know who was responsible for the assassination of Kennedy. Or he could be found guilty, and we would not know if he had acted alone.

An independent investigation committed to seeking out all the facts, wherever they may lead, is clearly the best way to proceed at this point. Rep. Henry Gonzalez of Texas has introduced a resolution calling for the creation of a select congressional committee to reopen the investigation into the assassinations of President Kennedy, Sen. Kennedy and Dr Martin Luther King Jr., as well as of the attempted assassination of Gov George Wallace. It seems to me that this resolution deserves support.

The first steps for a fresh investigation of the assassination of Sen. Kennedy have been outlined above. They are uncomplicated and require very little effort.

These steps might obviate the need for further investigation, or they might show beyond a reasonable doubt that the official theory is defective; one would think the authorities would be as eager as anyone else to find out which. The fact that they are not cannot be allowed to close the matter.

That, if nothing else, the American people should have learned from the events of the last two years.

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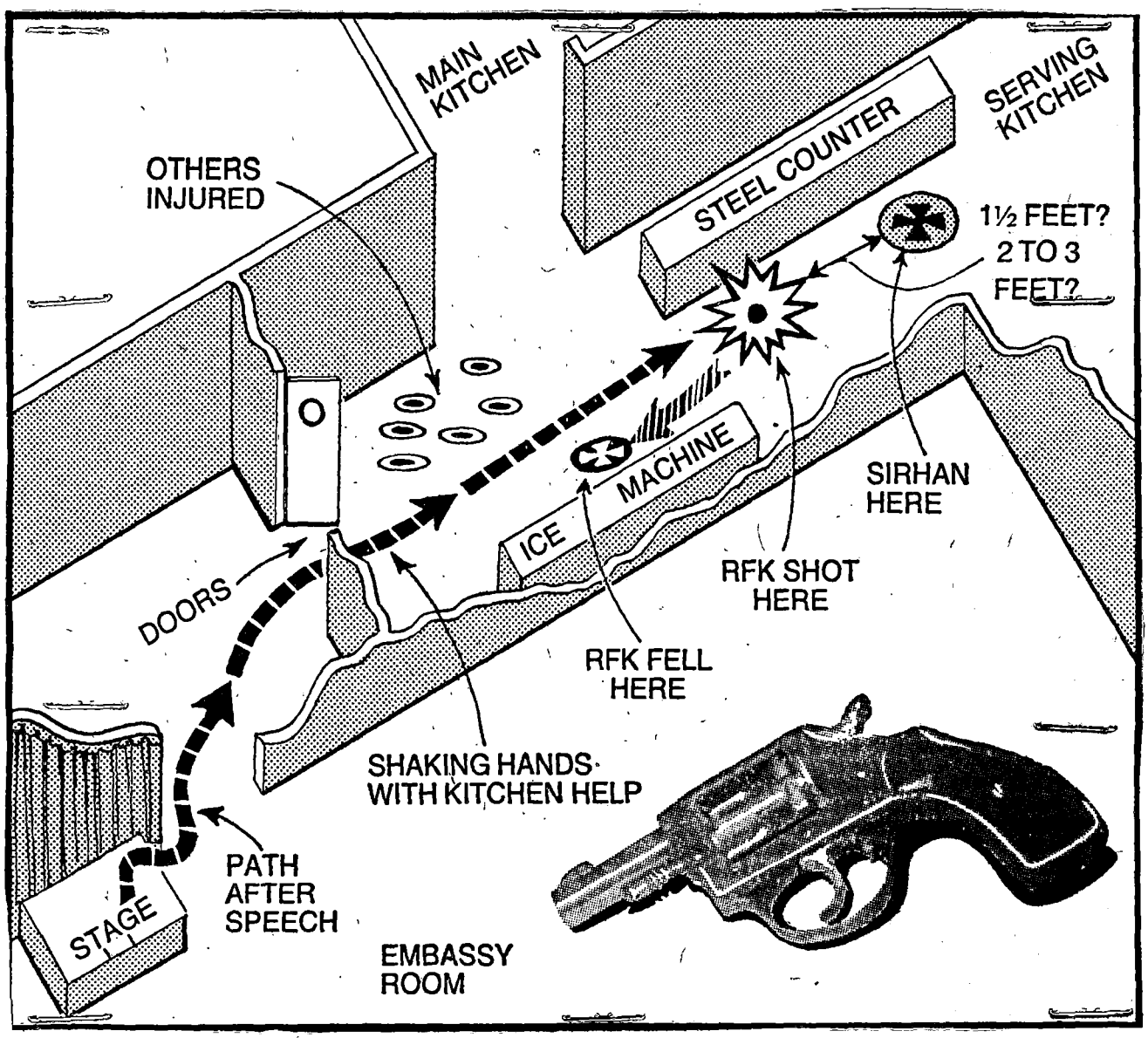

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(Mount Clipping in Space Below)

High Court Rejects Sirhan Plea

BY ROBERT KISTLER
Times Staff Writer

The state Supreme Court Thursday turned down without comment an attempt by Sirhan Bishara Sirhan to reopen investigation into the assassination of Sen. Robert F. Kennedy, for which Sirhan was convicted almost six years ago.

In denying two petitions filed by Beverly Hills attorney Godfrey Isaac, the high court effectively eliminated any chance for a new trial in state courts for Sirhan, now serving a life sentence at San Quentin Prison.

Isaac had maintained in his petition that Sirhan was wrongly convicted by false ballistic testimony and argued a "second gun" theory in which he urged the Supreme Court to order the firing of Sirhan's .22-caliber pistol in an effort to clear up questions that have arisen about the ballistics in the case.

In addition to filing a writ of habeas corpus for Sirhan's release, Isaac had filed a companion petition for error coram vobis, requesting the high court to consider [illegible] the trial record.

Had the court approved the second petition, a hearing would have been ordered to determine whether Isaac's asserted "new evidence" was sufficient to order a new trial.

Isaac, in summarizing grounds for the petitions, had stated:

"Evidence that tended to show that Sen. Robert F. Kennedy was not killed by the bullet from Sirhan's gun was deliberately, intentionally and willingly suppressed by the prosecution and their agents."

The petitions asserted that outside ballistic experts had determined that the bullet taken from the senator's body substantially differs from one removed from William Weisel, an ABC-TV newsman, who also was shot in a pantry of the Ambassador.

In addition, Isaac had maintained that trial evidence which led to Sirhan's April 17, 1969, conviction of first-degree murder showed that there were five grooves on the bullet taken from Kennedy, but that bullets purchased by Sirhan had six grooves.

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I-30 LOS ANGELES TIMES
LOS ANGELES, CA

Date: 2/14/75
Edition: Friday Final
Author: Robert Kistler
Editor: William F. Thomas
Title: KENSALT

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Classification: LA-56-156*
Submitting Office Los Angeles

☐ Being Investigated

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Contacted at his office, Isaac said he was disappointed by the ruling because he believes the evidence presented in the petitions showed scientifically that Sirhan could not have committed the act."

"It is difficult to accept as final," Isaac said, "a determination (on new evidence) made without a court hearing." It was such a hearing which the Supreme Court denied Thursday.

He said he would send Sirhan a telegram later Thursday, informing him of the court's actions.

Reached by telephone in Honolulu where he is attending a meeting of the National District Attorneys Assn., Dist. Atty. Joseph P. Busch said:

"I think what the court is really saying is that they (Sirhan's supporters) haven't established any evidence which would reopen the investigation into the conviction of Sirhan Sirhan.

"What the court's decision means, I think, is that this newly discovered evidence is conjecture, speculation, that type of thing. As lawyers, we just can't accept it.

"It may make for good publicity but when you get down to its relevancy and admissibility, there is no merit to it."

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SIRHAN 5-20
URGENT
SACRAMENTO, CALIF. (UPI) -- ~~SIRHAN~~ SIRHAN, CONVICTED OF ASSASSINATING SEN. ROBERT KENNEDY, WAS GRANTED A PAROLE DATE OF FEB. 23, 1986 BY THE CALIFORNIA ADULT AUTHORITY TUESDAY.

SIRHAN, WHO WAS ORIGINALLY SENTENCED TO DEATH, WOULD END UP SERVING A TOTAL OF 16 YEARS, 9 MONTHS UNDER THE PAROLE DATE.

"HE WAS EXTREMELY WELL BEHAVED ALL THE TIME HE HAS BEEN IN PRISON--ABSOLUTELY NO PROBLEM," SAID PHILIP D. GUTHRIE, ASSISTANT DIRECTOR OF THE STATE DEPARTMENT OF CORRECTIONS.

"THE ADULT AUTHORITY CONSIDERED THAT WHILE HE KILLED A VERY WELL KNOWN FIGURE THEY HAD TO TREAT HIM AS IF HE KILLED AN ORDINARY PERSON," GUTHRIE ADDED.

SIRHAN WAS SENT TO SAN QUENTIN PRISON NEAR SAN FRANCISCO FIVE YEARS AGO NEXT FRIDAY FOR THE SLAYING OF KENNEDY JUNE 5, 1968 IN THE PANTRY OF THE AMBASSADOR HOTEL SHORTLY AFTER KENNEDY CLAIMED VICTORY IN THE CALIFORNIA DEMOCRATIC PRESIDENTIAL PRIMARY ELECTION.

SIRHAN WAS CONVICTED OF FIRST DEGREE MURDER AND FIVE COUNTS OF ASSAULT OF A DEADLY WEAPON IN A SHOOTING THAT ALSO WOUNDED A LOS ANGELES LABOR OFFICIAL.

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WASHINGTON CAPITAL NEWS SERVICE

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ASSASSINATION OF SENATOR
ROBERT F. KENNEDY;
CONGRESSIONAL ASSASSINATION
STATUTE

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Probe Urged in Slaying of RFK

CHICAGO (AP) — The president of a society of lawyers specializing in the sciences has urged that the investigation of the assassination of Robert F. Kennedy be reopened.

Robert J. Joling, president of the American Academy of Forensic Sciences, said in an interview yesterday he believes important questions have been raised about who fired the bullet which killed Kennedy in Los Angeles in 1968.

He said he would not prejudge what the answers to these questions might be or whether a new investigation might show that someone other than Sirhan B. Sirhan, Kennedy's convicted murderer, fired the fatal bullet.

But because of the doubt created in the public mind, Joling said he hopes Congress will hold open hearings into the killing and its initial investigation.

Joling, a lawyer and forensic consultant in Tucson, Ariz., is planning to initiate action today — at the academy's annual meeting here — which could result in the academy formally asking for a reopening of the investigation.

He said he will request that the academy's executive committee approve an initial inquiry into allegations that some scientific members of the academy — persons who took part in the investigation — showed unprofessional conduct in the Kennedy case.

If they are shown to have behaved unprofessionally, Joling said, the academy undoubtedly will ask that the Kennedy investigation be reopened.

Joling said his personal view is that there should be a new investigation if only because he feels proper ballistics tests were never made.

"And it's simple," he said. "Take the gun Sirhan used, fire a bullet from it and compare it (with the bullet taken from the back of Kennedy's neck)."

Joling said this was not done in the investigation prior to trial.

Also, he said, an analysis of the fragments of the fatal bullet should be made and comparisons made.

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The New York Times ____
The Wall Street Journal ____
The National Observer ____
The Los Angeles Times ____

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Expert Discounts RFK 2d-Gun Theory

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By Ronald Kessler
Washington Post Staff Writer

PASADENA, Calif., Dec. 18—The nationally recognized ballistics expert whose claim gave rise to a theory that Robert F. Kennedy was not killed by Sirhan Bishara Sirhan this week admitted that there is no evidence to support his contention.

The theory, which has gained widespread national publicity in recent weeks, suggests that Kennedy's killer was a second, hidden gunman and that Sirhan's gunfire never hit him.

The theory has depended largely on a 1970 affidavit signed by William W. Harper, 71, an independent ballistics expert. In it Harper said the bullet that fatally wounded Kennedy June 5, 1968, "could not have been fired from the same gun" that wounded a nearby bystander in the pantry of the Ambassador Hotel in Los Angeles.

Under persistent questioning in his home here, Harper admitted that what he had previously described as discrepancies between the bullets fail to show they were fired from different guns. The evidence that would permit matching of the bullets is lacking because of the poor condition of the bullets, Harper said.

"In the absence of (this type of evidence), you can't say one way or the other," he said this week.

Harper said he thought his affidavit said only that there is no evidence to show the bullets are the same.

"That doesn't mean they are not the same," Harper said.

He said that "there's no evidence to show they're different." The inability to make a positive identification, said Harper, who is highly regarded in law enforcement circles, is not uncommon in the field of ballistics.

Harper said he prepared the affidavit in 1970 for possible use in a request by Sirhan's attorneys for a new trial. "I gave the affidavit to (the lawyer). I didn't think he would do anything with it. I thought it would accompany the suit (for a new trial after Sirhan's conviction in the Kennedy slaying). I didn't have any plans to have it publicized. It was supposed to be held in confidence."

Despite the fact that the Kennedy assassination was witnessed at least in part by 70 persons, the theory that a second gun was used has

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The Washington Post A-1
Washington Star-News
Daily News (New York)
The New York Times
The Wall Street Journal
The National Observer
The Los Angeles Times

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flourished since Harper's affidavit was made public in 1971.

Nourished by an atmosphere of skepticism generated by Watergate revelations and by a feeling that leaders such as John F. Kennedy, Robert F. Kennedy, and Martin Luther King Jr. could not be obliterated by the whims of single individuals, the so-called two-gun theory has touched off political controversies in California and fueled investigations by dozens of amateur sleuths.

In recent weeks, the two-gun theory has been given added weight with publication of a Harper's magazine article questioning the ballistics evidence in the case and national coverage of a press conference Sunday by former Democratic Rep. Allard K. Lowenstein of New York, who wants a re-opening of the police investigation.

Lowenstein said in New York City that because of "basic unresolved conflicts" between autospy and eyewitness reports, authorities should reopen the investigation of Kennedy's murder.

"I do not believe that the evidence sustains the conclusion that Sirhan is the one who murdered Robert Kennedy," Lowenstein said.

Lowenstein stressed that he did not mean to suggest that Sirhan was an innocent bystander.

"He was in the pantry shooting a .22 revolver at the time in question, and five persons were struck by bullets that he fired," Lowenstein said. But he said the authorities' inability to answer three basic questions had convinced him that a second gun was fired. One question he cited was alleged ballistic differences in the bullets removed from Kennedy and television producer William Weisel, a bystander.

Lowenstein demanded that the Los Angeles police test fire the Sirhan gun again, convene an independent panel of ballistics experts to restudy the case, and conduct neutron tests to determine the source of all bullets and fragments recovered.

Los Angeles County prosecutor Joseph Busch said this week that he would reopen the case if ordered to do so by the courts.

The two-gun theory has rested on these assertions:

- Ballistics characteristics used to match bullets with the guns that fired them show the bullet that fatally wounded Kennedy came from a gun different from the one that wounded bystanders. This assertion rests on Harper's affidavit. He now says there is no evidence that a second gun was involved.
- Although the Los Angeles County medical examiner has testified the fatal Kennedy bullet was fired at almost point-blank range, witnesses said Sirhan was standing at least three feet from Kennedy.
- The fatal bullet and two others that entered Kennedy's body penetrated from behind, although witnesses said Sirhan was in front of Kennedy.
- The bullets entered Kennedy at an upward angle, suggesting the gunman was firing from the floor. Sirhan was standing.
- Although Sirhan's gun held eight bullets, more than eight bullet holes were found at the scene.

Although many of the points sound convicing, a review of the testimony of eyewitnesses to the shooting in June, 1968, quickly puts to rest all but the ballistics claims.

One of the witnesses, Vincent Di Pierro, had an unobstructed view of the shooting from his position some five feet behind Kennedy.

In his first newspaper interview since the assassination, Di Pierro, the catering manager of a Beverly Hills hotel, said it was true that Sirhan was standing to the right and slightly in front of Kennedy. But when Sirhan started firing, he said, Kennedy had turned to his left to shake hands, accounting for the position of the bullets under his right ear and right armpit.

Di Pierro said it was true that Sirhan was standing about three feet from Kennedy. But he said that when he fired the shots, Sirhan lunged forward, bringing the muzzle of his Ivor-Johnson revolver within several inches of Kennedy's head. This would account, he said, for the medical examiner's finding—based on examination of powder burns on Kennedy's skin—that the gun was fired at almost point-blank range.

Di Pierro noted that Sirhan's gun was pitched slightly upward, and that Sirhan is considerably shorter than Kennedy, accounting for the upward trajectory of the bullets in Kennedy's body.

After Kennedy was shot,

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Di Pierro said, Sirhan continued to fire wildly and rapidly while bystanders banged his gun hand on a nearby steam table in an effort to wrest it from him. He said he was not surprised by a subsequent police report accounting for the extra bullet holes at the scene by saying some bullets ricocheted and others entered the bodies or clothing of more than one bystander.

"It would be impossible for there to be a second gun," Di Pierro said. "I saw the first shot. Kennedy fell at my feet. His blood splattered on me. I had a clear view of Kennedy and Sirhan."

Because the subsequent trial of the Jordanian immigrant turned on his state of mind at the time of the shooting, many of the circumstances of the assassination were not fully probed in the courtroom.

The ballistics questions were not raised until more than two years after the assassination when Harper, a criminalist, examined the evidence on behalf of one of Sirhan's defense attorneys, who was preparing an appeal of Sirhan's conviction. A criminalist is an expert on scientific and engineering questions surrounding physical evidence.

Harper discovered a discrepancy that has haunted the Los Angeles Police Department ever since. He found that bullets said to have been fired by the police from Sirhan's gun in an effort to match them with those found in Kennedy's body were labeled to show they had been fired from another gun, since destroyed.

DeWayne A. Wolfer, the police ballistics expert handling the case, said he had simply mislabeled the exhibit. The second gun, he said, was the same type as that used by Sirhan and had been used to test the noise level of the gun—not to match the murder bullets with Sirhan's gun.

The mislabeled exhibit was quickly marshaled several years ago to support the two-gun theory.

It was Harper's second finding that provided the seemingly irrefutable evidence behind the theory. Working with photographs he had taken of the bullets, Harper found that there was a 23-minute difference between the angle of markings on the fatal Kennedy bullet and a bullet removed from Weisel, the television producer wounded in the pantry. The markings on the bullets were made by grooves in the muzzle of the gun as it was fired.

A minute is one-sixthieth of a degree in a 360-degree circle.

On the basis of this difference, amounting to about a third of a degree, Harper said in his affidavit that the Kennedy bullet "could not have been fired from the same gun" as the Weisel bullet.

Under questioning this week, Harper said such a discrepancy is too insignificant to indicate one way or the other whether the bullets came from the same gun. He said the discrepancy could have arisen because the bullets were not exactly perpendicular when they were photographed.

Since signing the affidavit, Harper has been quoted as citing a second discrepancy. This concerns the number of cannelures which the bullets appear to have.

In the .22-caliber ammunition used by Sirhan, cannelures are added during the manufacturing process to crimp the brass cartridge casing holding the explosive powder to the lead bullet, which is the projectile. The cannelures, which also hold a lubricant, appear as knurled, indented rings circling the bullet.

Harper said that as far as he could tell from the photographs, the Kennedy bullet had one cannelure, while the Weisel bullet had two. This would indicate two types of ammunition might have been used, although the shells remaining in Sirhan's revolver all appeared to be the type that would have two cannelures.

Both Harper and a second ballistics expert who has cited a possible discrepancy in the bullets acknowledged that whether the Kennedy bullet does, in fact, have one cannelure is an open question.

This is because most of the cannelure visible on the Kennedy bullet was obliterated when the bullet was fired, raising the possibility that the second cannelure was obliterated.

The second expert, Herbert L. MacDonell, a New York consultant, said he doubted this would be the case because the cannelures also should have been wiped out on the Weisel bullet. But Harper said cannelures cannot be depended upon because they may be left out in the manufacturing proc-

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ess because of mechanical malfunctions.

Harper and MacDonnell also said photographs are not sufficient for making positive identifications of bullets. Robert M. Zimmers, a retired FBI ballistics expert, said photographic comparison of bullets is "senseless."

Harper said the only evidence that could show whether the bullets were fired from the same gun would be scratches impressed on the bullets by the ridges and grooves unique to the muzzle of each gun.

Because the muzzle of the gun which fired the Kennedy and Weisel bullets was dirtied with bits of powder and lead particles, these characteristic bullet scratches were obscured, making positive identification impossible, Harper said.

Harper said he thought his 1970 affidavit was to be used by Sirhan's attorneys in a possible appeal. He said his chief concern was the competence of Wolfer, the Los Angeles police ballistics expert. Harper had previously charged Wolfer with making errors, and the two have been on opposite sides in two major trials.

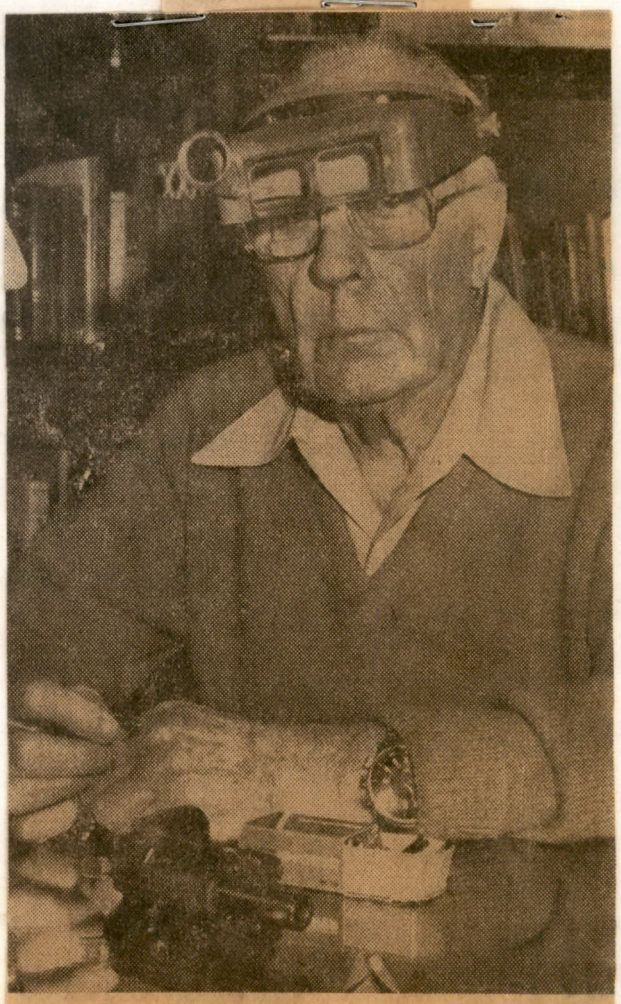
Disclaiming any vendetta against Wolfer, Harper said, "I've never felt the Sirhan thing was the important thing. It was our system of justice in California."

Wolfer, chief forensic chemist of the police department, declined to comment.

Harper said he was surprised and annoyed when his affidavit was cited in a 1971 Los Angeles press conference called by Theodore Charach, who later produced a movie called "The Second Gun."

Billed as the Hollywood version of investigative journalism, the movie suggests, in part, that Sirhan could not have killed Kennedy because he was standing in front of him, and the bullets entered from behind. The movie makes no mention of eyewitness testimony that Kennedy had turned to the left when he was shot.

VINCENT DI PIERRO
. . . assassination witness



United Press International/The Washington Post

Ballistics expert Harper: evidence isn't clear.

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United Press International

Sirhan Sirhan is taken out of the Ambassador Hotel in Los Angeles after shooting of Sen. Robert F. Kennedy in 1968.

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Sirhan's Message

LOS ANGELES—Sirhan Sirhan says he hopes a call for a new investigation into the Robert F. Kennedy assassination will clear his name and free him from a life sentence for the 1968 killing.

In a Christmas message issued from San Quentin Prison through his lawyer, Sirhan expressed gratitude for recent calls for a new look into the shooting, based on a "second gun" theory.

"If I had any consciounsess of the events of June, 1968, it would not have taken this long to develop evidence pointing toward my innocence of killing Sen. Kennedy," Sirhan said. "I am filled with feelings of hope and humility that I may some day soon have my freedom."

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Bates

Expert Discounts RFK 2d-Gun Theory

By Ron Kessler
Washington Post Staff Writer

United Press International/The Washington Post
Ballistics expert Harper: evidence isn't clear.

PASADENA, Calif., Dec. 18—The nationally recognized ballistics expert whose claim gave rise to a theory that Robert F. Kennedy was not killed by Sirhan Bishara Sirhan this week admitted that there is no evidence to support his contention.

The theory, which has gained widespread national publicity in recent weeks, suggests that Kennedy's killer was a second, hidden gunman and that Sirhan's gunfire never hit him.

The theory has depended largely on a 1970 affidavit signed by William W. Harper, 71, an independent ballistics expert. In it Harper said the bullet that fatally wounded Kennedy June 5, 1968, "could not have been fired from the same gun" that wounded a nearby bystander in the pantry of the Ambassador Hotel in Los Angeles.

Under persistent questioning in his home here, Harper admitted that what he had previously described as discrepancies between the bullets fail to show they were fired from different guns. The evidence that would permit matching of the bullets is lacking because of the poor condition of the bullets, Harper said.

"In the absence of (this type of evidence), you can't say one way or the other," he said this week.

Harper said he thought his affidavit said only that there is no evidence to show the bullets are the same. "That doesn't mean they are not the same," Harper said.

He said that "there's no evidence to show they're different." The inability to make a positive identification, said Harper, who is highly regarded in law enforcement circles, is not uncommon in the field of ballistics.

Harper said he prepared the affidavit in 1970 for possible use in a request by Sirhan's attorneys for a new trial. "I gave the affidavit to (the lawyer). I didn't think he would do anything with it. I thought it would accompany the suit (for a new trial after Sirhan's conviction in the Kennedy slaying). I didn't have any plans to have it publicized. It was supposed to be held in confidence."

Despite the fact that the Kennedy assassination was witnessed at least in part by 70 persons, the theory that a second gun was used has

See KENNEDY, A6, Col. 1

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KENNEDY, From A1

flourished since Harper's affidavit was made public in 1971.

Nourished by an atmosphere of skepticism generated by Watergate revelations and by a feeling that leaders such as John F. Kennedy, Robert F. Kennedy, and Martin Luther King Jr. could not be olitenated by the whims of single individuals, the so-called two-gun theory has touched off political controversies in California and fueled investigations by dozens of amateur sleuths.

In recent weeks, the two-gun theory has been given added weight with publication of a Harper's magazine article questioning the ballisties evidence in the case and national coverage of a press conference Sunday by former Democratic Rep. Allard K. Lowenstein of New York, who wants a re-opening of the police investigation.

Lowenstein said in New York City that because of "basic unresolved conflicts" between autospy and eyewitness reports, authorities should reopen the investigation of Kennedy's murder.

"I do not believe that the evidence sustains the conclusion that Sirhan is the one who murdered Robert Kennedy," Lowenstein said.

Lowenstein stressed that he did not mean to suggest that Sirhan was an innocent bystander.

"He was in the pantry shooting a .22 revolver at the time in question, and five persons were struck by bullets that he fired," Lowenstein said. But he said the authorities' inability to answer three basic questions had convinced him that a second gun was fired. One question he cited was alleged ballistic differences in the bullets removed them Kennedy and television producer William Weisel, a bystander.

Lowenstein demanded that the Los Angeles police test fire the Sirhan gun again, convene an independent panel of ballistics experts to restudy the case, and conduct neutron tests to determine the source of all bullets and fragments recovered.

Angeles County prose- Joseph Busch said this week that he would reopen the case if ordered to do so by the courts.

The two-gun theory has rested on these assertions:

- Ballistics characteristics used to match bullets with the guns that fired them show the bullet that fatally wounded Kennedy came from a gun different from the one that wounded five bystanders. This assertion rests on Harper's affidavit. He now says there is no evidence that a second gun was involved.
- Although the Los Angeles County medical examiner has testified the fatal Kennedy bullet was fired at almost point-blank range, witnesses said Sirhan was standing at least three feet from Kennedy.
- The fatal bullet and two others that entered Kennedy's body penetrated from behind, although witnesses said Sirhan was in front of Kennedy.
- The bullets entered Kennedy at an upward angle, suggesting the gunman was firing from the floor. Sirhan was standing.
- Although Sirhan's gun held eight bullets, more than eight bullet holes were found at the scene.

Although many of the points sound convicing, a review of the testimony of eyewitnesses to the shooting in June, 1968, quickly puts to rest all but the ballistics claims.

One of the witnesses, Vincent Di Pierro, had an unobstructed view of the shooting from his position some five feet behind Kennedy.

In his first newspaper interview since the assassination, Di Pierro, the catering manager of a Beverly Hills hotel, said it was true that Sirhan was standing to the right and slightly in front of Kennedy. But when Sirhan started firing, he said, Kennedy had turned to his left to shake hands, accounting for the position of the bullets under his right ear and right armpit.

Di Pierro said s true that Sirhan was nding about three feet from Kennedy. But he said that when he fired the shots, Sirhan lunged forward, bringing the muzzle of his Ivor-Johnson revolver within several inches of Kennedy's head. This would account, he said, for the medical examiner's finding—based on examination of powder burns on Kennedy's skin—that the gun was fired at almost point-blank range.

Di Pierro noted that Sirhan's gun was pitched slightly upward, and that Sirhan is considerably shorter than Kennedy, accounting for the upward trajectory of the bullets in Kennedy's body.

After Kennedy was shot, Di Pierro said, Sirhan continued to fire wildly and rapidly while bystanders banged his gun hand on a nearby steam table in an effort to wrest it from him. He said he was not surprised by a subsequent police report accounting for the extra bullet holes at the scene by saying some bullets ricocheted and others entered the bodies or clothing of more than one bystander.

"It would be impossible for there to be a second gun," Di Pierro said. "I saw the first shot. Kennedy fell at my feet. His blood splattered on me. I had a clear view of Kennedy and Sirhan."

Because the subsequent trial of the Jordanian immigrant turned on his state of mind at the time of the shooting, many of the circumstances of the assassination were not fully probed in the courtroom.

The ballistics questions were not raised until more than two years after the assassination when Harper, a criminalist, examined the evidence on behalf of one of Sirhan's defense attorneys, who was preparing an appeal of Sirhan's conviction. A criminalist is an expert on scientific and engineering questions surrounding physical evidence.

Harper discovered a discrepancy that has haunted the Los Angeles Police Department ever since. He found that bullets said to have been fired by the police from Sirhan's gun in an effort to match them with those found in Kennedy's body were labeled to show they had been fired from another gun, since destroyed.

DeWayne A. Wolfer, the police ballistics expert handling the case, said he had simply mislabeled the exhibit. The second gun, he said, was the same type as that used by Sirhan and had been used to test the noise level of his gun—not to match the murder bullets with Sirhan's gun.

The mislabeled exhibit was quickly marshaled several years ago to support the two-gun theory.

It was Harper's second finding that provided the seemingly irrefutable evidence behind the theory. Working with photographs he had taken of the bullets, Harper found that there was a 23-minute difference between the angle of markings on the fatal Kennedy bullet and a bullet removed from Weisel, the television producer wounded in the pantry. The markings on the bullets were made by grooves in the muzzle of the gun as it was fired.

A minute is one-sixthieth of a degree in a 360-degree circle.

On the basis of this difference, amounting to about a third of a degree, Harper said in his affidavit that the Kennedy bullet "could not have been fired from the same gun" as the Weisel bullet.

Under questioning this week, Harper said such a discrepancy is too insignificant to indicate one way or the other whether the bullets came from the same gun. He said the discrepancy could have arisen be-

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cause the bullets were not exactly perpendicular when they were photographed.

Since signing the affidavit, Harper has been quoted as citing a second discrepancy. This concerns the number of cannelures which the bullets appear to have.

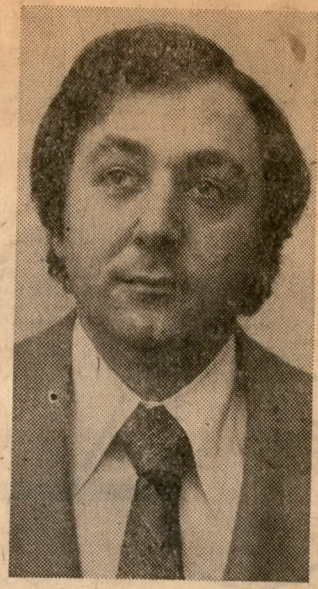
In the .22-caliber ammunition used by Sirhan, cannelures are added during the manufacturing process to crimp the brass cartridge casing holding the explosive powder to the lead bullet, which is the projectile. The cannelures, which also hold a lubricant, appear as knurled, indented rings circling the bullet.

Harper said that as far as he could tell from the photographs, the Kennedy bullet had one cannelure, while the Weisel bullet had two. This would indicate two types of ammunition might have been used, although the shells remaining in Sirhan's revolver all appeared to be the type that would have two cannelures.

Both Harper and a second ballistics expert who has cited a possible discrepancy in the bullets acknowledged that whether the Kennedy bullet does, in fact, have one cannelure is an open question

This is because most of the cannelure visible on the Kennedy bullet was obliterated when the bullet was fired, raising the possibility that the second cannelure was obliterated.

The second expert, Herbert L. MacDonell, a New York consultant, said he doubted this would be the case because the cannelures also should have been wiped out on the Weisel bullet. But Harper said cannelures cannot be depended upon because they may be left out in the manufacturing process because of mechanical malfunctions.



VINCENT Di PIERRO
. . . assassination witness

Harper and MacDonnell also said photographs are not sufficient for making positive identifications of bullets. Robert M. Zimmers, a retired FBI ballistics expert, said photographic comparison of bullets is "senseless."

Harper said the only evidence that could show whether the bullets were fired from the same gun would be scratches impressed on the bullets by the ridges and grooves unique to the muzzle of each gun.

Because the muzzle of the gun which fired the Kennedy and Weisel bullets was dirtied with bits of powder and lead particles, these characteristic bullet scratches were obscured, making positive identification impossible, Harper said.

Harper said he thought his 1970 affidavit was to be used by Sirhan's attorneys in a possible appeal. He said his chief concern was the competence of Wolfer, the Los Angeles police ballistics expert. Harper had previously charged Wolfer with making errors, and the two have been on opposite sides in two major trials.

Disclaiming any vendetta against Wolfer, Harper said, "I've never felt the Sirhan thing was the important thing. It was our system of justice in California."

Wolfer, chief forensic chemist of the police department, declined to comment.

Harper said he was surprised and annoyed when his affidavit was cited in a 1971 Los Angeles press conference called by Theodore Charach, who later produced a movie called "The Second Gun."

Billed as the Hollywood version of investigative journalism, the movie suggests, in part, that Sirhan could not have killed Kennedy because he was standing in front of him, and the bullets entered from behind. The movie makes no mention of eye-witness testimony that Kennedy had turned to the left when he was shot.

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KENNEDY 12-17
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LOS ANGELES (UPI) -- THE DISTRICT ATTORNEY MONDAY REJECTED A DEMAND TO REINVESTIGATE THE KILLING OF SEN. ROBERT F. KENNEDY, BUT SIRHAN'S ATTORNEY SAID HE WOULD APPEAL FOR A NEW TRIAW.

DISTRICT ATTORNEY JOSEPH P. BUSCH SAID SUPPOSED NEW EVIDENCE HAS BEEN HASHED OVER REPEATEDLY AND THERE IS NO DOUBT SIRHAN B. SIRHAN WAS THE ASSASSIN.

EX-REP. ALLARD LOWENSTEIN OF NEW YORK HAD TOLD A NEWS CONFERENCE THERE SUNDAY THAT BALLISTICS EVIDENCE IN THE SLAYING SHOWS AT LEAST TWO PISTOLS WERE FIRED IN THE ASSASSINATION.

BUSCH SAID THE "SECOND GUN" THEORY AND THE EVIDENCE BEHIND IT HAD BEEN THE SUBJECT OF AT LEAST THREE PREVIOUS INVESTIGATIONS.

HE SAID HE WOULD NOT CONDUCT NEW BALLISTICS TESTS, BUT WOULD GO ALONG IF SIRHAN'S ATTORNEY GOT A COURT ORDER REOPENING THE CASE.

ATTORNEY GODFREY ISAAC SAID HE WOULD APPEAL TO THE STATE SUPREME COURT IN THE NEXT FEW WEEKS, ASKING FOR A NEW TRIAL FOR SIRHAN, NOW SERVING A LIFE SENTENCE.

"I WOULD NOT OBJECT TO A COURT-ORDERED FIRING OF THE WEAPON," BUSCH SAID, "INVITING" SIRHAN TO REQUEST A HEARING.

"HE'S THE MAN WHO HAS THE LEGAL STANDUNG TO DO IT. I HAVEN'T HEARD MR. SIRHAN COMPLAIN ABOUT HIS CONVICTION."

"I AM FIRMLY CONVINCED THAT SIRHAN SIRHAN -- ACTING ALONE -- KILLED ROBERT F. KENNEDY," HE SAID.

"A NUMBER OF EYEWITNESSES -- ALL AT CLOSE RANGE -- SAW SIRHAN SIRHAN SHOOT ROBERT F. KENNEDY, AND DUD NOT SEE ANYONE ELSE FIRE A GUN, IN THE PANTRY OF THE AMBASSADOR HOTEL ON THE NIGHT OF JUNE 5, 1968.

"THE MOST EXHAUSTIVE POLICE INVESTIGATION IN LOS ANGELES HISTORY DETERMINED THAT NO CONSPIRACY EXISTED," HE SAID.

LOWENSTEIN MAINTAINED THAT EVIDENCE SHOWED AT LEAST NINE SHOTS HAD BEEN FIRED, WHILE SIRHAN'S REVOLVER HELD ONLY EIGHT, THAT THE BULLET WHICH HIT A TELEVISION NEWSMAN CAME FROM A GUN OTHER THAN THE ONE THAT KILLED KENNEDY, AND THAT THE FATAL BULLET WAS FIRED "ABOUT AN INCH FROM HIS (KENNEDY'S) RIGHT EAR," WHILE SIRHAN WAS AT LEAST TWO FEET AWAY.

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Sirhan Asks Court To Reopen Case A-3

LOS ANGELES, Jan. 13—The lawyer for Sirhan Sirhan, convicted assassin of Sen. Robert F. Kennedy, filed a writ today in California Supreme Court to reopen the case based on alleged new ballistics evidence.

Lawyer Godfrey Isaac said there was new evidence that more than the eight bullets in Sirhan's gun were fired at the death scene. He said there was also a possibility that Kennedy and one of the bystanders wounded at the scene were shot by different guns.

Isaac filed a writ of habeas corpus but no date has been set for a hearing.

Sirhan was originally sentenced to death but this was reduced to life imprisonment after California abolished the death penalty in 1972.

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The Washington Post A-3
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The New York Times —
The Wall Street Journal —
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KENNEDY 12-23

LOS ANGELES (UPI) -- A RETIRED POLICE OFFUCER SAYS HE TALKED TO A KOUPLE WHO HEARD TWO PERSONS SAY THEY SHOT ROBERT F. KENNEDY.

BUT HIS REPORT WAS OVERLOOKED IN THE MASSIVE INVESTIGATION OF THE SHOOTING, THE OFFICER SAID.

FORMER SGT. PAUL SHRAGA TOLD RADIO STATION KMPC SUNDAY THAT HE WAS THE FIRST POLICE OFFICER TO ARRIVE AT THE AMBASSADOR HOTEL WHERE KENNEDY WAS SHOT.

HE SAID THAT AS HE WALKED TOWARD THE HOTEL, AN OLDER COUPLE STOPPED HIM AND TOLD HIM THAT THEY HAD PASSED A YOUNG COUQLE WHO WERE SMILING AND SHOUTING, "WE SHOT HIM...WE KILLED KENNEDY...WE SHOT HIM...WE KILLED HIM."

SHRAGA SAID THE ELDERLY COUPLE DESCRIBED THE PAIR AS "IN THEUR EARLY 20S" AND SAID THE WOMAN WAS "WEARING A POLKA-DOT DRESS."

SHRAGA, WHO WAS A COMMAND POST OFFUCER AT THE TIME, SAID HE BROADCAST THE DESCRIPTION FOR ABOUT TWO HOURS, UNTIL A SENIOR OFFICER TOLD HIM TO DISCONTINUE IT. ACCORDING TO SHRAGA, THE OFFICER SAID "WE'VE GOT OUR MAN...LET'S NOT MAKE A FEDERAL CASE OUT OF THIS."

THE FORMER COP SAUD HE FILED OFFICIAL REPORTS OF THE INCIDENT, BUT THAT THE REPORTS DISAPPEARED. HE SAID HIS REPORTS WERE NEVER INVESTIGATED BY AUTHORITIES LOOKING INTO THE SHOOTING AND WERE NOT INCLUDED IN SUBSEQUENT BOOKS WJITTEN ABOUT THE ASSASSUNATION.

SIRHAN B. SIRHAN, A JORDANIAN, WAS APPREHENDED AT THE SCENE OF THE MURDER AND WAS CONVICTED OF SHOOTING THE SENATOR IN 1968. SIRHAN IS PRESENTLY SERVING A LIFE SENTENCE FOR MURDER IN SAN QUENTIN PRISON.

INVESTIGATORS ORIGINALLY SAID BALLISTIC TESTS OF THE MURDER WEAPON WERE INSUFFICIENT.

SHRAGA'S STORY WAS AIRED BY THE RADIO STATION SUNDAY, ONE WEEK AFTER FORMER REQ. ALLARD LOWENSTEIN IN NEW YORK ASKED THAT THE INVESTIGATION BE REOPENED.

LOWENSTEIN ASKED THE LOS ANGELES DUSTRICT ATTORNEY'S OFFICE TO REOPEN THE INVESTIGATION IN LIGHT OF WHAT HE SAID WAS NEW EVIDENCE THAT A SECOND GUN HAD BEEN FIRED IN THE SLAYING. 62-587-A

LOS ANGEWES DISTRICT ATTORNEY JOSEPH BUSCH REPLIED HOWEVER THAT THERE WAS NO NEW BALLISTICS INFORMATION IN LOWENSTEIN'S STATEMENT AND THAT HE DID NOT PLAN TO REOPEN THE CASE.

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D.A. Says Sirhan Acted Alone

Evidence that Sirhan Sirhan acted alone in killing Robert F. Kennedy is "absolutely overwhelming," Dist. Atty. Joseph P. Busch said here.

Speculation about a conspiracy, extra bullets and a second gun is unfounded, Busch said at a news conference yesterday in which he disputed allegations made Sunday in New York by Allard K. Lowenstein, a former New York Democratic congressman, that Sirhan did not kill Kennedy.

"This case is absolutely overwhelming," Busch said. "It's not just to a reasonable doubt. I couldn't think of a stronger case."

Sirhan is serving a life sentence at San Quentin Prison for killing Kennedy on June 5, 1968, in the Ambassador Hotel here after the senator's victory speech in the California Democratic presidential primary.

Lowenstein said his conclusion after his own year-long study is that he does not believe the evidence sustains the theory that Sirhan is the murderer of Kennedy.

Busch said he saw nothing new in Lowenstein's allegations.

"The basic fact remains that a number of eye witnesses — at close range — saw Sirhan shoot Robert F. Kennedy and did not see anyone else fire a gun in the pantry of the Ambassador Hotel," Busch stated.

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Attorney for Sirhan To Seek New Trial

LOS ANGELES, Dec. 16 (UPI)—The attorney for Sirhan B. Sirhan said today he plans to file an appeal with the California State Supreme Court calling for reopening of the Robert F. Kennedy assassination case on grounds of "new" ballistics information.

The attorney, Godfrey Isaac, said he would file a writ of error within the next few weeks and was hopeful it would lead to a new trial for Sirhan, now serving a life term for the 1968 murder of Kennedy.

However, the prosecutor in the case insisted that the evidence referred to is not new and the basic fact remains that many persons saw Sirhan shoot Kennedy.

Isaac's statement came after a demand Sunday by former Rep. Allard K. Lowenstein in New York that the Los Angeles district attorney's office reopen its investigation in light of what he said was new evidence that a second gun had been fired in the slaying.

District Attorney Joseph Busch told a news conference today there was no new ballistics information in the statement made by Lowenstein and that he did not intend to reopen the case unless Sirhan persuaded the courts to do so.

"The basic fact remains that a number of eyewitnesses — at close range — saw Sirhan Sirhan shoot Robert F. Kennedy and did not see anyone else fire a gun in the pantry of the Ambassador Hotel on the night of June 5, 1968," Busch said.

Isaac said he had new information from Herbert McDonald, a New York criminologist and ballistics expert, that a bullet found in one of the other wounded victims came from a different gun than the one fired by Sirhan.

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QUESTIONS BALLISTICS

Lowenstein Hits Sirhan Evidence

By John M. Crewdson
New York Times News Service

NEW YORK — Former Rep. Allard K. Lowenstein says that a year-long examination of the evidence bearing on the murder of Sen. Robert F. Kennedy has led him to conclude that Sirhan B. Sirhan did not fire the fatal bullet.

But Lowenstein and Paul Schrade, a former Kennedy associate who was among five persons wounded when the senator was fatally shot June 5, 1968, the night of his victory in the California presidential primary, emphasized that they were not proposing that Sirhan was part of a conspiracy. They also said they were not prepared to suggest who might have inflicted Kennedy's fatal wounds.

"I REJECT conspiracy theories until the evidence is in," Schrade, a former United Auto Workers official, told a news conference yesterday at the Statler Hilton hotel.

"We're asking the questions and we want the answers," he said.

Lowenstein, who served from 1968 to 1971 as a Democratic representative from New York, said he based his conclusion chiefly on the following points arising from testimony at the 1969 murder trial at which Sirhan was convicted, and related evidence:

● "Apparent ballistic differences" between one bullet recovered from Kennedy's body and another removed from William Weisell, a television producer who was also wounded in the kitchen of the Ambassador Hotel in Los Angeles, that cast doubt on the official conclusion that all the bullets fired that night came from Sirhan's eight-shot, .22-caliber revolver.

● Discrepancies between bystanders' recollections that Sirhan was from 2 to 10 feet from Kennedy when the Senator was shot and the conclusions of Dr. Thomas T. Noguchi, the Los Angeles County corroner, and Dewayne A. Wolfer, a police department criminologist, that Kennedy was shot from a distance of one to six inches.

● Three bullet holes in the ceiling, plus the fact that seven bullets were recovered from Kennedy and the five other victims, which Lowenstein said suggested that more than eight shots were fired that night.

"I do not believe on the basis of the evidence in its present state," Lowenstein asserted, "that Sirhan Sirhan is the murderer of Robert Kennedy.

"I don't view this as a matter of historical curiosity but as a question of enormous significance for the country."

He said that Los Angeles County officials, including Joseph Busch, the district attorney, had declined his request to reopen the Sirhan investigation and that he was prepared "to meet with other authorities and appeal them to take these steps."

LOWENSTEIN AND Schrade called for a refiring of the Sirhan gun, which has not been discharged since it was test-fired by the police following the Kennedy shooting, so that new bullets could be compared with those taken from Kennedy and Weisell.

They also called for a panel of independent ballistics experts to assess evidence already compiled in the case as well as the results of refiring, and for a radioactive examination of the Kennedy and Weisell bullets to determine the liklihood that both were fired by Sirhan.

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QUESTIONS BALLISTICS

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"I don't view this as a matter of historical curiosity but as a question of enormous significance for the country."

He said that Los Angeles County officials, including Joseph Busch, the district attorney, had declined his request to reopen the Sirhan investigation and that he was prepared "to meet with other authorities and appeal them to take these steps."

LOWENSTEIN AND Schrade called for a refiring of the Sirhan gun, which has not been discharged since it was test-fired by the police following the Kennedy shooting, so that new bullets could be compared with those taken from Kennedy and Weisell.

They also called for a panel of independent ballistics experts to assess evidence already compiled in the case as well as the results of refiring, and for a radioactive examination of the Kennedy and Weisell bullets to determine the liklihood that both were fired by Sirhan.

The Washington Post
Times Herald ____
The Evening Star (Washington) A-9
The Sunday Star (Washington) ____
Daily News (New York) ____
Sunday News (New York) ____
New York Post ____
The New York Times ____
The Daily World ____
The New Leader ____
The Wall Street Journal ____
The National Observer ____
People's World ____

Date 12-16-74

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51 JAN 13 1975

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0-19 (Rev. 1-30-74)

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New Trial Is Sought For Sirhan

A-7

LOS ANGELES, Dec. 16 (UPI)—The attorney for Sirhan B. Sirhan said today he plans to file an appeal with the California State Supreme Court calling for reopening of the Robert F. Kennedy assassination case on grounds of "new" ballistics information.

The attorney, Godfrey Isaac, said he would file a writ of error within the next few weeks and was hopeful it would lead to a new trial for Sirhan, now serving a life term for the 1968 murder of Kennedy.

However, the prosecutor in the case insisted that the evidence referred to is not new and the basic fact remains that many persons saw Sirhan shoot Kennedy.

Isaac's statement came after a demand Sunday by former Rep. Allard K. Lowenstein in New York that the Los Angeles district attorney's office reopen its investigation in light of what he said was new evidence that a second gun had been fired in the slaying.

District Attorney Joseph Busch told a news conference today there was no new ballistics information in the statement made by Lowenstein and that he did not intend to reopen the case unless Sirhan persuaded the courts to do so.

"The basic fact remains that a number of eyewitnesses — at close range — saw Sirhan Sirhan shoot Robert F. Kennedy and did not see anyone else fire a gun in the pantry of the Ambassador Hotel on the night of June 5, 1968," Busch said.

Isaac said he had new information from Herbert McDonald, a New York criminologist and ballistics expert, that a bullet found in one of the other wounded victims came from a different gun than the one fired by Sirhan.

The Washington Post A-7
Washington Star-News
Daily News (New York)
The New York Times
The Wall Street Journal
The National Observer
The Los Angeles Times

62-587-A

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2025 RELEASE UNDER E.O. 14176

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

WARD PROBER SUGGESTS 2 GUNMEN IN RFK DEATH

Full-scale reexamination of the weapon used to assassinate Sen. Robert F. Kennedy in June 1968, is necessary to finally dispel the possibility that more than one gun was involved, a group of criminalists has asserted.

The two-gun theory surrounding Kennedy's death at the Ambassador was aired yesterday at a public hearing chaired by Baxter Ward.

Ward's hearing was promptly criticized as a "sideshow performance" and the theory termed "incredible" by an appellate judge who was chief deputy district attorney during the assassination trial of Sirhan B. Sirhan, now serving a life sentence.

The two-gun theory, explained by criminalist Herbert MacDonnell from New York, holds that the fatal bullet lodged in Kennedy's neck was of a recent manufacture and shot at a radically different angle than that which hit a bystander.

Based on photos and exhibits from the trial, MacDonell said, "I'm suggesting the bullets were not fired from the same gun."

Testimony at the loosely-structured hearing also involved alleged mishandling of the Sirhan evidence and the distance of the gun from the late senator at the time he was shot.

Former county clerk William G. Sharp was called in from retirement in San Clemente to answer charges his department allowed the public to see the evidence, thus diminishing the integrity of certain exhibits.

"Utterly silly," Sharp responded to the charges against him.

Ward said he would review the hearing transcript and his findings in a week.

But Associate Appellate Justice Lynn D. Compton urged the public to discount Ward's "amateurist and incredible effort" to raise the question of Kennedy's assassin at this point in history.

Compton said federal, state and local officials had joined in investigating the case, "aware that there would be persons who at some time in the future would come forth to criticize and second-guess our actions."

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A-3 HERALD EXAMINER
LOS ANGELES, CA.

Date: 5/14/74
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Editor: Donald Goodenow
Title: KENSALT

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EX-105

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BALLISTICS 5-14

DAY LD

LOS ANGELES (UPI) -- DESPITE OPPOSITION FROM THE DISTRICT ATTORNEY AND AN APPELLATE JUDGE, A COUNTY SUPERVISOR HAS REOPENED THE "SECOND GUN" INVESTIGATION INTO THE POSSIBILITY THAT IT MAY NOT HAVE BEEN SIRHAN B. SIRHAN WHO KILLED SEN. ROBERT F. KENNEDY.

OPPONENTS OF THE HEARINGS BY SUPERVISOR BAXTER WARD, A FORMER TELEVISION NEWS ANCHORMAN, ACCUSED HIM OF SEEKING PUBLICTY IN HIS CAMPAIGN FOR GOVERNOR.

COUNTY CORONER THOMAS T. NOGUCHI AND A NEW YORK CRIMINOLOGIST, LEON MCDONNELL, TESTIFIED AT THE OPENING SESSION OF THE HEARING MONDAY THAT THERE IS EVIDENCE THAT MORE THAN ONE PISTOL WAS FIRED WHEN KENNEDY WAS ASSASSINATED, AND THAT THE BULLET THAT ENTERED KENNEDY'S BRAIN MAY NOT HAVE COME FROM THE PISTOL HELD BY SIRHAN.

SIRHAN IS SERVING A LIFE PRISON TERM FOR KILLING KENNEDY IN A KITCHEN PASSAGEWAY AT THE AMBASSADOR HOTEL ON JUNE 5, 1968.

NOGUCHI, WHO CONDUCTED THE AUTOPSY ON KENNEDY AND REMOVED THE DEATH BULLET FROM HIM, TESTIFIED THAT "PHYSICAL EVIDENCE" SHOWS THE FATAL SHOT WAS FIRED AT POINT BLANK RANGE, WITH THE PISTOL MUZZLE ONLY ONE TO THREE INCHES FROM KENNEDY'S HEAD.

MANY WITNESSES TO THE SHOOTING AGREE THAT SIRHAN WAS NOWHERE NEAR THAT CLOSE, FIRING FROM SEVERAL FEET, OR YARDS, AWAY.

MCDONNELL, DIRECTOR OF THE LABORATORY OF FORENSIC SCIENCE IN NEW YORK, TESTIFIED THAT THE BULLET REMOVED FROM KENNEDY BY NOGUCHI, AND A BULLET REMOVED FROM A NEWSMAN WOUNDED BY SIRHAM, DID NOT COME FROM THE SAME GUN.

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THE OTHER BULLET WAS REMOVED FROM ABC NEWSMAN WILLIAM WEISEL, WHO HAS RECOVERED.

MCDONNELL SAID THE BULLET REMOVED FROM KENNEDY HAD BEEN FIRED BY A PISTOL WITH ONLY ONE RIFLING GROOVE IN THE BARREL, WHILE THE BULLET THAT CAME OUT OF WEISEL SHOWED THE MARKING OF TWO GROOVES.

FIREARMS EXPERT LOWELL BRADFORD'S TESTIMONY AGREED WITH MCDONNELL. HE SAID THE TWO BULLETS "COULD NOT BE IDENTIFIED AS COMING FROM THE SAME GUN."

54 MAY 17 1974

WASHINGTON CAPITAL NEWS SERVICE

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THE EVIDENCE THAT ANOTHER GUN MAY HAVE KILLED KENNEDY IS NOT NEW. IT HAS BEEN THE SUBJECT OF PREVIOUS INQUIRIES, NONE OF WHICH MADE ANY DETERMINATION THAT AFFECTED THE VERDICT AGAINST SIRHAN.

DISTRICT ATTORNEY JOSEPH BUSCH, WHO REJECTED AN INVITATION TO APPEAR AT WARD'S HEARING, BLASTED IT AS "RIDICULOUS...UNWISE AND UNPRECEDENTED." THE EVIDENCE "HAS BEEN FULLY INVESTIGATED AND REJECTED" IN THE PREVIOUS INQUIRIES, HE SAID.

ASSOCIATE JUTICE LYNN D. COMPTON OF THE STATE COURT OF APPEALS, WHO PROSECUTED SIRHAN AS BUSCH'S CHIEF DEPUTY, ASSAILED WARD'S HEARING AS "A SIDESHOW PERFORMANCE INVOLVING PERSONS WHOSE MOTIVES APPEAR TO BE OTHER THAN TO SIMPLY DETERMINE THE TRUTH."

UPI 05-14 05:42 AED

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0-19 (REV. 8-15-72)

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Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

Sirhan Asks High Court for Reversal

By FRED BARNES
Star-News Staff Writer

Sirhan B. Sirhan today asked the Supreme Court to overturn his conviction in the slaying of Robert F. Kennedy, saying that "physical findings will conclusively show that he did not fire the shots that killed" the New York senator during the 1968 presidential campaign.

But Sirhan did not describe the new findings.

His attorneys said in the appeal to the high court that they "are heading up a team of psychiatrists, criminalists, forensic physicians and engineering physicists, that has uncovered signfificant physical evidence which points to (Sirhan's) non-firing of the fatal bullet."

Sirhan, an Arab immigrant, was arrested with a smoking pistol in his hand just after Kennedy was shot in Los Angeles on June 5, 1968. A year later, Sirhan was convicted of murder. The California Supreme Court upheld the conviction last summer.

Sirhan's two Los Angeles attorneys, Roger S. Hanson and George R. Milman, said psychiatrists "drummed into his mind that he was guilty, although strong evidence indicated a mental block precluding recollection of committing the crime."

The lawyer for Sirhan at his trial "was educated to believe that no defense, save diminished capacity, was available," the attorneys said in the appeal.

They contended that the justices of the California Supreme Court were reluctant "to be on record in reversing the conviction of a nondescript Arab immigrant who was convicted of assassinating Sen. Robert F. Kennedy."

The New York senator "was at the threshold of his pinnacle of political achievement—the Democratic nomination for president of the United States, and with an excellent chance to become the nation's chief executive," Sirhan's attorneys said.

"In view of this," they said, "it is recognizable that appellate review strains to alter the laws of search and seizure to preserve the conviction."

After Sirhan's arrest, police searched his mother's home without a warrant and collected some personal effects from Sirhan's bedroom, the lawyers said.

"No known law permits such wholesale and wide-scale search and seizure," they said.

Argument Disputed

The lawyers disputed the argument of police that an "emergency" existed because of the possibility of a conspiracy to assassinate political figures.

There was nothing to indicate that he was part of any conspiracy, the attorneys said, and thus the police should have had a search warrant to enter the home.

Sirhan, 28, was originally sentenced to death, but his sentence was changed to life in prison after the California Supreme Court last year ruled capital punishment unconstitutional.

William E. James, an assistant California attorney general, said recently that Sirhan will become eligible for parole after seven years.

The Supreme Court is not expected to announce for several months whether it will hear the Sirhan appeal.

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World

Date OCT 25 1972

FINAL EDITION

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58 NOV 17 1972
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UPI-40
(SIRHAN)

LOS ANGELES --AN ATTORNEY FOR SIRHAN B. SIRHAN APPEALED TO THE CALIFORNIA SUPREME COURT FRIDAY FOR A NEW TRIAL FOR THE ASSASSIN OF SEN. ROBERT F. KENNEDY ON SEVERAL GROUNDS, INCLUDING A CHARGE THAT A SEARCH OF SIRHAN'S HOME WAS ILLEGAL.

THE COURT TOOK THE APPEAL UNDER CONSIDERATION.

SIRHAN, 27, A PALESTINIAN ARAB IMMIGRANT, WAS CONVICTED APRIL 17, 1969, OF THE ASSASSINATION AND LATER SENTENCED TO DEATH. THE DEATH PENALTY SUBSEQUENTLY WAS ABOLISHED IN CALIFORNIA.

LUKE MCKISSACK, SIRHAN'S ATTORNEY, ARGUED THAT HIS DEFENDANT'S HOME IN NEARBY PASADENA WAS SEARCHED WITHOUT A WARRANT AND NOTEBOOKS CONFISCATED AT THAT TIME WERE SUBMITTED AS EVIDENCE AT HIS TRIAL.

ASSISTANT STATE ATTORNEY GENERAL RONALD GEORGE REPLIED THAT THE SEARCH WAS LEGAL UNDER AN "EMERGENCY DOCTRINE," WHICH DOES NOT REQUIRE A WARRANT.

MEMBERS OF THE SEVEN-JUDGE PANEL QUESTIONED BOTH SIDES CLOSELY ABOUT THE SEARCH ISSUE.

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SIRHAN 4-8

BY JAMES F. COUR

LOS ANGELES (UPI) --AN ATTORNEY FOR SIRHAN B. SIRHAN APPEALED TO THE CALIFORNIA SUPREME COURT FRIDAY FOR A NEW TRIAL FOR THE ASSASSIN OF SEN. ROBERT F. KENNEDY ON SEVERAL GROUNDS, INCLUDING A CHARGE THAT A SEARCH OF SIRHAN'S HOME WAS ILLEGAL.

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MEMBERS OF THE SEVEN-JUDGE PANEL QUESTIONED BOTH ATTORNEYS ABOUT THE SEARCH ISSUE.

MCKISSACK TOLD THE COURT THAT INTRODUCTION OF THE DIARIES IMPAIRED DEFENSE ARGUMENTS OF SIRHAN'S "DIMISHED CAPACITY," A DOCTRINE THAT HOLDS THE ACCUSED IS INNOCENT IF HE WAS MENTALLY UNABLE TO PLOT THE CRIME.

AMONG THE NOTATIONS FROM THE DIARIES INTRODUCED INTO EVIDENCE WERE "R.F.K. MUST DIE" AND "ROBERT F. KENNEDY MUST BE ASSASINATED."

SPEAKING FOR THE STATE, GEORGE SAID POLICE AND FBI AGENTS HAD REASON TO SUSPECT AFTER THE ASSASSINATION ON JUNE 5, 1968, THAT SIRHAN POSSIBLY WAS INVOLVED IN A CONSPIRACY.

"THE POLICE WERE CONCERNED WITH IMMEDIATELY ASCERTAINING IF THERE WERE OTHER CONSPIRATORS--OTHER GOVERNMENT OFFICIALS SET FOR ASSASSINATION," HE SAID. THIS QUALIFIED A SEARCH OF SIRHAN'S RESIDENCE WITHOUT A WARRANT UNDER THE "EMERGENCY DOCTRINE," GEORGE CONTENDED.

GEORGE ADDED THAT THE NOTEBOOKS WERE "JUST A DROP IN THE BUCKET ... COMPARED TO OTHER EVIDENCE OF PREMEDITATION."

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WASHINGTON CAPITAL NEWS SERVICE
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7-24-71

SIRHAN 7-24 NX

LOS ANGELES (UPI)--THE CRIMINOLOGIST WHOSE COMPETENCE IS THE CENTER OF THE "SECOND GUN CONTROVERSY" IN THE ASSASSINATION OF ROBERT F. KENNEDY FILED A $2 MILLION LIBEL SUIT FRIDAY AGAINST THE WOMAN WHO BEGAN THE CONTROVERSY.

DEWAYNE A. WOLFER, ACTING HEAD OF THE LOS ANGELES POLICE DEPARTMENT CRIME LABORATORY, FILED THE SUIT AGAINST BARBARA WARNER BLEHR, AN ATTORNEY WHO HAS TRIED TO BLOCK HIS PROMOTION.

THE SUIT ALSO NAMED 15 "JOHN DOES," ON THE GROUNDS THAT MRS. BLEHR ALONE WOULD NOT TAKE IT "UPON HERSELF TO DEFAME A NATIONALLY RESPECTED BALLISTICS EXPERT," SAID WOLFER'S ATTORNEY, JOHN LAFOLETTE.

WOLFER'S TESTIMONY FOR THE PROSECUTION HELPED CONVICT SIRHAN B. SIRHAN OF THE KENNEDY MURDER. SIRHAN WAS SENTENCED TO DIE IN THE GAS CHAMBER.

WOLFER TESTIFIED THAT THE SLUGS RECOVERED FROM KENNEDY'S BODY, AND THOSE THAT HIT BYSTANDERS, WERE FIRED BY THE PISTOL THAT POLICE TOOK AWAY FROM SIRHAN AT THE SCENE.

MRS. BLEHR MADE HER CHARGES AGAINST WOLFER TO THE CIVIL SERVICE COMMISSION, ARGUING THAT HIS TESTIMONY WAS WRONG AND HE SHOULD NOT BE PROMOTED TO PERMANENT HEAD OF THE CRIME LAB. SHE SAID THAT SERIAL NUMBERS IN THE COURT RECORDS SHOWED THAT WOLFER TEST FIRED A "SECOND GUN", AND NOT THE PISTOL TAKEN FROM SIRHAN, -- INDICATING KENNEDY MAY HAVE BEEN SHOT BY SOMEONE OTHER THAN SIRHAN.

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THE CONTROVERSY GREW IN THE WEEKS THAT FOLLOWED. A [illegible] WRITER FILED SUIT AGAINST LOCAL AND STATE OFFICIALS MAINTAINING THEY COVERED UP THE REAL EVIDENCE IN THE ASSASSINATION. HIS SUIT NAMED A SECURITY GUARD THE WRITER SAID HAD RIGHT WING SYMPATHIES, HATED KENNEDY AND WAS BEHIND KENNEDY WITH [illegible] HAND WHEN THE SENATOR WAS KILLED.

THE DISTRICT ATTORNEY'S OFFICE BEGAN AN INVESTIGATION INTO THE AFFAIR. RESULTS OF THE INVESTIGATION WERE REPEATEDLY POSTPONED, AND IT WAS REPORTED THE EVIDENCE FROM SIRHAN'S TRIAL HAD BEEN HANDLED -- AND PERHAPS ALTERED -- BY UNAUTHORIZED PERSONS IN THE COUNTY CLERK'S OFFICE. THE DISTRICT ATTORNEY'S OFFICE BEGAN ANOTHER INVESTIGATION INTO WHAT BECAME OF THE EVIDENCE -- ESPECIALLY THE FRAGILE LEAD BULLET FRAGMENTS.

A TELEVISION STATION REPORTED THE SLUGS MAY HAVE BEEN SERIOUSLY CHANGED BY IMPROPER HANDLING, TO SUCH AN EXTENT THEY MAY NO LONGER BE VALID EVIDENCE AGAINST SIRHAN, WHOSE CASE IS STILL UNDER APPEAL.

IN HIS SUIT THAT MRS. BLEHR HAD "INTENTIONALLY, MALICIOUSLY AND WITHOUT JUSTIFICATION" WRITTEN "UNTRUTHFUL ACCUSATIONS" AGAINST HIM WHICH [illegible] HARMED HIS PROFESSIONAL STANDING AND LOWERED HIS EARNINGS.

66 JUL 30 1971

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'R.F.K. Must Die!'

A History of the Robert Kennedy Assassination and its Aftermath.
By Robert Blair Kaiser.
634 pp. New York:
E. P. Dutton & Co. $9.95.

BOOK CRIME

By THOMAS S. SZASZ

The basic facts about the assassination of Senator Robert F. Kennedy—such as the killer's identity and weapon, his behavior immediately before and after the crime, and many other circumstances surrounding the murder—were clearly established soon after the tragedy. All that remained open to speculation was why Sirhan did it.

Sirhan himself offered an explanation. "But the story of why he killed—which he propounded at the trial—didn't make any sense," writes Robert Blair Kaiser. "This is a book that tries to make sense of it."

Kaiser—a freelance writer who had access to Sirhan and contributed part of his book earnings to his defense—is a conscientious and competent reporter. His book is a valuable storehouse of information, even though many of the events described in it have been reported before. His effort to explain why Sirhan killed Kennedy will be judged successful or not according to the reader's view of the psychiatric approach to the theory and therapy of criminal behavior.

For Kaiser is a true believer in the psychiatric ideology, and proud of it. "My reporter's dream was complete," he writes in the preface, "when Dr. Bernard L. Diamond, the chief psychiatrist for the defense, turned to me as the chief repository of knowledge about the case and began taking me into Sirhan's cell with him for his analysis of Sirhan under hypnosis." And Kaiser uncritically accepts Diamond's theory of the assassination: ". . . that Sirhan had—by his automatic writing—'programed himself exactly like a computer is programed by its magnetic tape. . . for the coming assassination.'" But this sentence neither describes nor asserts any ascertainable fact; instead it subtly induces the reader to regard Sirhan as a nonhuman object (like a computer), and those who so view him (including the reader himself) as compassionate students of the human mind.

In science, theories are constructed to fit facts; in courtroom psychiatry, "facts" are constructed to fit theories. It is absurd, therefore, to judge Sirhan's act without carefully considering the following nonpsychiatric facts. Sirhan is a man, not a computer. Some time early in 1968 he bought a gun and then purchased special, hollow-nosed shells for it, to enhance its lethality.

On May 18 he wrote in his notebook: "R.F.K. must die." On June 4 he practiced firing his weapon at a gun range. That night, at 12:15 A.M.—on June 5, the first anniversary of the humiliating Israeli defeat of the Arabs in 1967—he shot and killed Kennedy. Some of the other jottings in his notebook are: "Long live Communism. . . . I firmly support the communist cause and its people. . . . American capitalism will fall and give way to the worker's dictatorship."

These facts, together with Sirhan's courtroom testimony, suggest another theory of the assassination. According to it, Sirhan killed Kennedy because Sirhan was a patriotic Palestinian Arab and Kennedy had promised to send planes to Israel. Further, Sirhan killed Kennedy because Sirhan was poor and unimportant, while Kennedy was rich and immensely important. Sirhan articulated this view succinctly when he said to Kaiser: "They can gas me. But I am famous. I achieved in a day what it took Kennedy all his life to do."

Dr. Szasz is professor of psychiatry at the State University of New York and author of "The Manufacture of Madness."

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times Book Review
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date NOV 15 1970

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Much of the Sirhan trial was—and its aftermath continues to be—a series of confrontations between these two contending theories of the assassination: Sirhan tried to enhance his importance by attributing great significance to his momentous act; whereas Diamond and Kaiser (and many others) tried to diminish Sirhan's importance by robbing his murderous act of all significance.

Diamond's following statement is illustrative: "He claims to be ready to die in the gas chamber for the glory of the Arab people. However, I see Sirhan as small and helpless, pitifully ill, with a demented, psychotic rage, out of control of his own consciousness and his own actions, subject to bizarre, dissociated trances in some of which he programed himself to be the instrument of assassination, and then, in an almost accidentally induced twilight state, he actually executed the crime, knowing next to nothing as to what was happening." One of the psychologists for the defense supported this with the following expert opinion: "This is not the performance of a healthy Arab but of a very sick, young American."

Sirhan, of course, never wanted psychiatric testimony introduced into his trial. When he began to realize what the "doctors" were really up to, he begged them to leave him alone, to let him plead guilty. "He didn't want any more doctors bugging him," relates Kaiser. "He'd rather go to the gas chamber than have anyone '—— around' with his mind."

But neither "his" psychiatrists, nor "his" lawyers, nor the judge allowed him to go unpsychiatrized and plead guilty. (James Earl Ray was allowed to do both.) And why not? Everyone had his own reasons. This was Diamond's: "I've fought too long against capital punishment. I've devoted all my life fighting against it. I'm not gonna lose the battle on account of you [*Sirhan*]."

Russell Parsons, one of the defense attorneys, had another reason: "Do we execute sick people in California?" he thundered in his summation. "If we do we are only following Hitler, who believed in killing the lame, the halt, and the sick. This man is sick. He doesn't know right from wrong."

There was, finally, still another explanation offered for the assassination: the theory of collective guilt and collective madness. Arthur Schlesinger declared (on June 6, but before he knew that the assassin was not an American): "What sort of people are we, we Americans? The answer is that we are today the most frightening people on this planet." The Times reported that "even more widespread [than suspicions of conspiracy] were suggestions that the shootings. . . reflected some basic American sickness." Time magazine phrased it this way: "Many saw the unleashing of a dark latent psychosis in the national character."

Is this, then, what our psychiatric theorizing comes to: That, because Kennedy was killed, we are all guilty? That, because Sirhan killed him, we are all mad? And that, if we execute the killer, we are all Nazis?

I think it's time to go back to first principles. "Man does not live by bread alone," said Jesus. Because he has a soul as well as a body, man must have spiritual as well as bodily sustenance. Hence it is that man has an insatiable appetite for meaning and significance. People will thus often believe, and sometimes do, anything—no matter how absurd or abhorrent—so long as the belief or act renders them and their lives more interesting and more important.

One of the tragic features of our age is that it is a time of rising expectations and declining opportunities. Killing a prominent person is one of the few remaining ways for life's extras to become stars, if only for a night! Being then sentenced to death for it guarantees a *succès de scandale*. Abolishing this penalty would thus make crime, especially political crime, somewhat less glamorous. It would also help us avoid the kind of bargain Sirhan has forced upon us by his willingness to trade his life for Kennedy's: We are damned if we accept his offer and execute him; but if we reject it and don't execute him, we are damned a thousandfold more. ■

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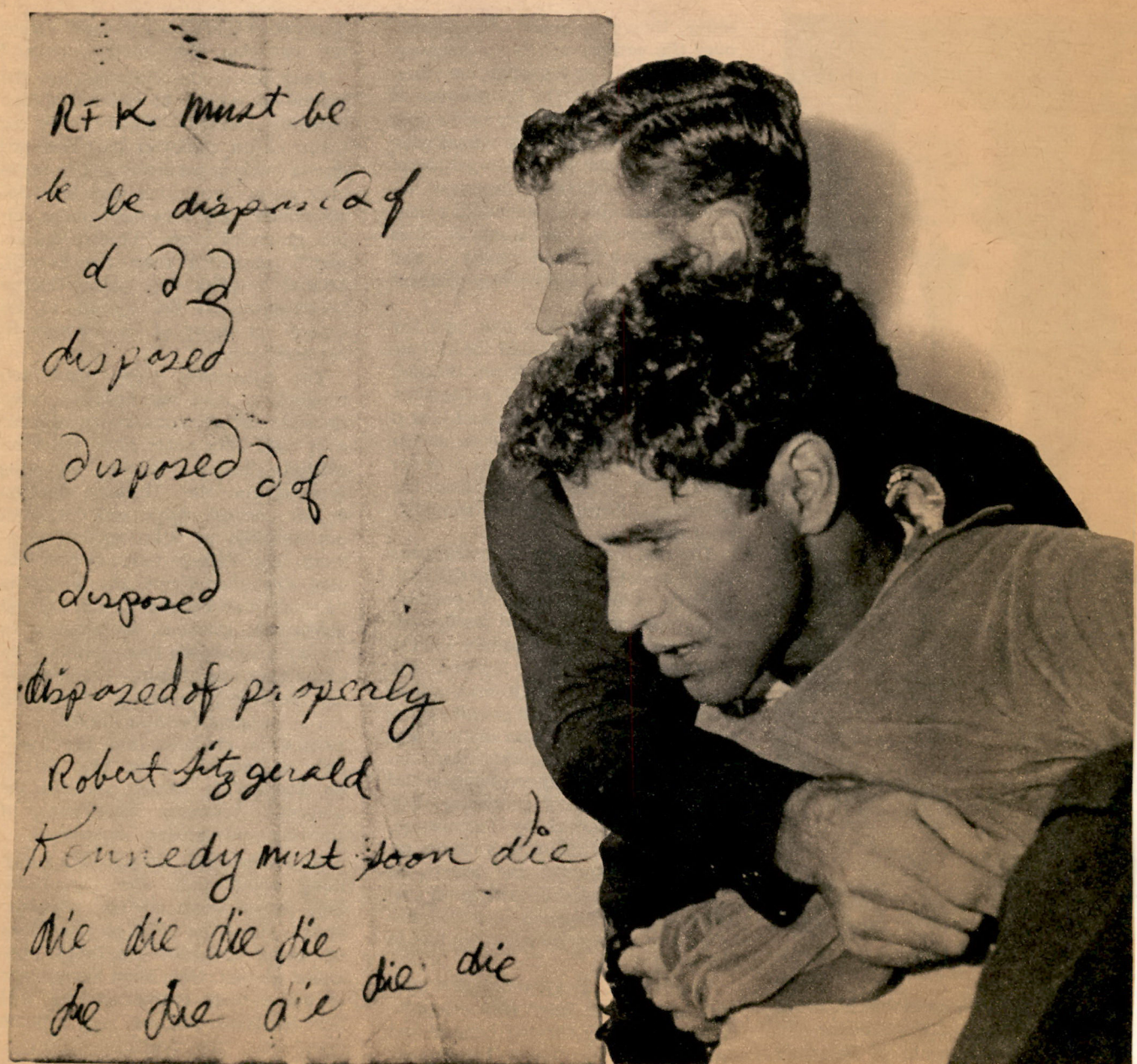
'I achieved in a day what it took Kennedy all his life to do'



Sirhan Sirhan at the time of his arrest, Los Angeles, June 5, 1968, and a page from his diary.

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2-28-70

SIRHAN 2/28 NX

SAN QUENTIN, CALIF. (UPI)--ONE OF THE BARRIERS SEPARATING SIRHAN B. SIRHAN FROM OTHER PRISONERS ON DEATH ROW HAS BEEN REMOVED, ALLOWING THE CONDEMNED ASSASSIN TO TALK WITH THEM FOR THE FIRST TIME.

SINCE HE WAS SENTENCED TO DEATH LAST MAY FOR THE FATAL SHOOTING OF SEN. ROBERT F. KENNEDY, SIRHAN HAS BEEN ISOLATED BY A 15-FOOT WIDE "NO MAN'S LAND" TO KEEP OTHER PRISONERS AWAY FROM HIM.

THE WARDEN'S OFFICE SAID FRIDAY THAT ONE OF THE WIRE SCREENS CREATING THE BARRIER HAS BEEN REMOVED. SIRHAN CAN NOW TALK AT CLOSE RANGE WITH THE OTHER CONDEMNED MEN IF THEY APPROACH HIS CELL.

ASSOCIATE WARDEN JAMES PARK SAID THE DECISION TO GIVE SIRHAN A LITTLE MORE CONTACT WITH THE OTHER PRISONERS ON DEATH ROW WAS MADE BY WARDEN LOUIS NELSON IN RESPONSE TO FREQUENT REQUESTS FROM SIRHAN.

LAST DECEMBER, THE 25-YEAR-OLD JORDANIAN IMMIGRANT WENT ON A 13-DAY HUNGER STRIKE PROTESTING THE TIGHT SECURITY AROUND HIM AND THREATENED TO KILL HIMSELF IF IT WERE NOT RELAXED.

PARK SAID SIRHAN WAS HAPPY WITH THE NEW ARRANGEMENT AND "EXPRESSED APPRECIATION TO THE WARDEN."

A REVIEW OF SIRHAN'S CONDITIONS CONVINCED SAN QUENTIN PRISON AUTHORITIES THAT LIMITED CONTACT WITH OTHER PRISONERS "DOES NOT POSE AN UNDUE HAZARD" THAT SIRHAN MIGHT BE ATTACKED.

THE OFFICIALS HAD PREVIOUSLY DENIED SIRHAN'S REQUEST FOR RELAXED SECURITY BECAUSE THEY FELT HE MIGHT BE IN DANGER FROM EVEN SLIGHT CONTACT THROUGH THE WIRE MESH WHICH STILL SEPARATES HIM FROM OTHER PRISONERS.

NO DATE HAS BEEN SET FOR HIS EXECUTION, PENDING AN AUTOMATIC REVIEW OF HIS SENTENCE BY THE CALIFORNIA SUPREME COURT.

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WASHINGTON CAPITAL NEWS SERVICE

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Specter of Dallas Haunted LAPD in Sirhan Case

BY ROBERT KIRSCH

• At 45 minutes past midnight, June 5, 1968, in the Rampart Division of the Los Angeles Police Department, Sgt. William C. Jordan sat facing a slight, dark-haired young man who had just been brought into the station as the suspect in the shooting of Sen. Robert F. Kennedy.

The news of the tragic event was already being broadcast to the world. Stunned and disbelieving, men and women heard that life was ebbing away in the young man whose brother, the President of the United States, had been slain a few years before by an assassination. In a moment of electoral triumph, Robert Kennedy was struck down, the man who, after hearing of the assassination of Dr. Martin Luther King, had quoted Aeschylus: "In our sleep, pain which cannot forget falls drop by drop upon our heart until, in our own despair, against our will, comes wisdom through the awful grace of God."

Uppermost in Sgt. Jordan's mind "was the determination to see to it that the 1963 Dallas record, compounded by local ineptitude and shameful bungling, would not be replayed in Los Angeles in 1968. The specter of Jack Ruby, even more ominous than the memory of Lee Harvey Oswald, haunted the Rampart police station this sultry summer night."

The entire Los Angeles Police Department shared that belief—and a sense that history would judge their efforts to deal with the investigation fairly, efficiently and justly. In SPECIAL UNIT SENATOR: The Investigation of the Assassination of Sen. Robert F. Kennedy (Random House: $6.95), Robert A. Houghton, chief of detectives, LAPD, with the assistance of Theodore Taylor, has written a taut and complete account of the "longest, largest and most expensive criminal investigation ever undertaken by the . . . department, possibly the most extensive investigation ever conducted by any local law enforcement agency."

The memory of Dallas and its aftermath clearly conditioned that investigation, which Houghton called at the time of the organization of the special unit, a "supreme test of our judicial processes." That effort produced a 10-volume investigation summary, represented nearly 5,000 separate interviews and interrogations, more than 50,000 pages of documentation and material evidence, 1,700 photographs, 190 reels of tape and 20 reels of 16 mm. film.

From the adrenal moments of that night in the Ambassador, to the conviction of Sirhan Bishara Sirhan for the crime, several score of men in the

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(Indicate page, name of newspaper, city and state.)

Page 40 Calendar
Los Angeles Times
Los Angeles, Calif.

Date: 2/15/70
Edition: Final
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Editor: Nick B. Williams
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LAPD worked patiently, tirelessly on the case. Other law enforcement agencies cooperated. The purpose was not solely to build the prosecution case against Sirhan, but to determine (and here the memories of Dallas and its aftermath were crucial) whether Sirhan was part of a conspiracy.

To Capt. Hugh Brown, commander of the Homicide Division who was assigned to head the task force, Houghton made it clear that if there were in face, a "great conspiracy" that linked the murder of Robert Kennedy to that of John Kennedy and Dr. Martin Luther King Jr., "it had better be unveiled before another national leader fell victim," and that it was "imperative that we track every lead, every suspicion of possible complicity or conspiracy, no matter how tenuous or hollow it might sound."

He told Brown emphatically that he wanted "this investigation to stand up to whatever scrutiny, as much fine-comb study as it's going to get."

Houghton was expressing what other officers knew and turned out to be the toughest part of the SUS investigation. Lt. Charles Hughes, head of Rampart Detectives, who had initial charge of the case, had briefed Houghton, called back from a Yosemite vacation: "I don't expect we'll have much trouble proving who did the killing—it's finding out why he shot the senator and whether there was more than one man responsible."

There was no deficiency of leads suggesting conspiracy, from the report of the girl in the polka dot dress who was supposed to have run from the scene shouting "We killed him," to the rumor that an announcement of the senator's death was heard on the radio a month before it happened, every sort of wild report came pouring in, from freelance writers and seers, far right wingers and citizens who had claimed to overhear the "plotters" in conversation.

Each one of these was investigated and re-investigated, patiently and tediously, by the members of the unit. Stories were checked by lie detector tests and identification procedures. At the scene of the crime were several thousand people; a time and movement pattern had to be established. Sirhan's background had to be carefully checked. And the entire investigation had to be conducted scrupulously within the requirements of new decisions on search and seizure and the interrogation of suspects. No evidence of a conspiracy stood the test of the investigation.

Yet, this book is not simply an account of a celebrated case. From it emerges a sense of the magnitude and depth of problems encountered in police work. It is true that SUS

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pioneered many techniques in this case and a police manual based on these lessons is in preparation.

Nor is it an effort at vindicating the LAPD's handling of the case. If this book is written with professional pride, it is also written with a measure of self-criticism. Each of the supervising officers of SUS wrote a critique of the entire investigation. All recognized that much of the painstaking labor of SUS could have been saved had the framework of a special unit been in existence to be activated immediately.

Such experts as SUS's Lt. Manuel Pena, author of a text on criminal investigation, a teacher of police science at Cal State L.A., and Lt. Roy Keene, made some telling points about the need to separate witnesses to interview them before newsmen (many of the false leads came from people who had unconsciously embellished their stories through repetition for reporters and then stuck to them because of embarrassment at contradicting themselves; others alleged they had seen things which they later admitted they only heard), the failure to rope off the pantry area (some kitchen employes were mopping up bloodstains before lab experts could examine them), inadequate witness identification.

Houghton agrees with these criticisms but concludes that considering the circumstances, "the department responded well in those first hectic, confusing hours."

Without employing Dragnet style, Houghton and Taylor make the officers and witnesses come alive, re-create the setting and the mood of emotion and grief. Most impressive is the human component. The common stereotypes so popular now are demolished here. The investigators display qualities of concern, curiosity, sympathy, pride and realism.

When Houghton asked one officer about Mayor Sam Yorty's public statement that Sirhan had Communist connections, the man replies:

"I was at Rampart when the mayor and Commissioner McGaughey came in. I talked to them for a few minutes and then got busy on something else. Next thing I know, Yorty and the commissioner were reading Sirhan's notebook. Hell, I'm not going to tell the mayor of this city and a police commissioner what to do. Besides, one is an attorney, and the other an ex-FBI man. They know the rules of evidence as well as I do."

What is certain is that the SUS makes it clear that there was no shred of evidence suggesting a conspiracy.

The account stands as a model of its kind, honest, evocative and compelling.

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Revealing a Cliche

SPECIAL UNIT SENATOR

The Investigation of the Assassination of Senator Robert F. Kennedy

Robert A. Houghton with Theodore Taylor

(Random House, 305 pp., $6.95)

Reviewed by Richard Harwood

The reviewer is a columnist and writer on the national staff of The Washington Post.

Books

After the death of Robert Kennedy, the Los Angeles Police Department undertook, the publisher of this book tells us, "the most extensive search for truth ever launched by a local law enforcement agency."

More than 40 men were assigned the task of determining whether Sirhan Sirhan acted alone in the assassination or was part of a political or criminal conspiracy. They interviewed nearly 5,000 people over a period of about 13 months, checked out innumerable theories, rumors and crackpot tales. They reconstructed the course of Sirhan's life in the United States, traced his political evolution, talked to his friends, schoolteachers, relatives and coworkers. They collected a small mountain of photographs, tape recordings, films and 50,000 pages of written reports. It was expensive, tedious and fruitless work; no conspiracy was discovered, and all that was learned of Sirhan was a cliche: He was an unhappy and possibly demented little man.

The story of that frustrating investigation is the material for this slight book, *Special Unit Senator,"* by Robert A. Houghton, chief of detectives of the Los Angeles Police Department. His collaborator, Theodore Taylor, is a former sports writer and police reporter.

They tell us nothing of significance that is not already known about a terrible event. If their book has merit, it is simply as an antidote to any remaining conspiratorial speculations over Sirhan's motives. They demonstrate adequately for fair-minded men that Sirhan was not an agent of the Minutemen, of the Communist Party, or el Fatha or of any other group. He had no accomplices and no coherent plan of action.

After six months of work, Houghton wrote in his diary: "There is still no evidence of conspiracy, and at this moment I am convinced that Sirhan is more politically oriented then he would appear to be for his age; that he did, in fact, kill Kennedy because of the Israel-Arab situation, and that he probably has some kind of martyr complex." Neither the subsequent months of investigation nor Sirhan's trial changed that conclusion.

Houghton now regards the case as "a supreme test of our judicial processes. If the accused, an alien, could commit such a crime, on involving an international political figure and a candidate for the Presidency of the United States, and then receive a fair and unbiased investigation, and beyond that receive a fair and unbiased trial, then we could believe that our judicial processes were the right ones and could protect all of us."

The investigative and judicial processes did produce a fair outcome in the Sirhan case. What is needed are other processes, human and social, to keep our best men from harm.

'If their book has any merit, it is simply as an antidote to any remaining conspiratorial speculations over Sirhan's motives."

The Washington Post
Times Herald B-4
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
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The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

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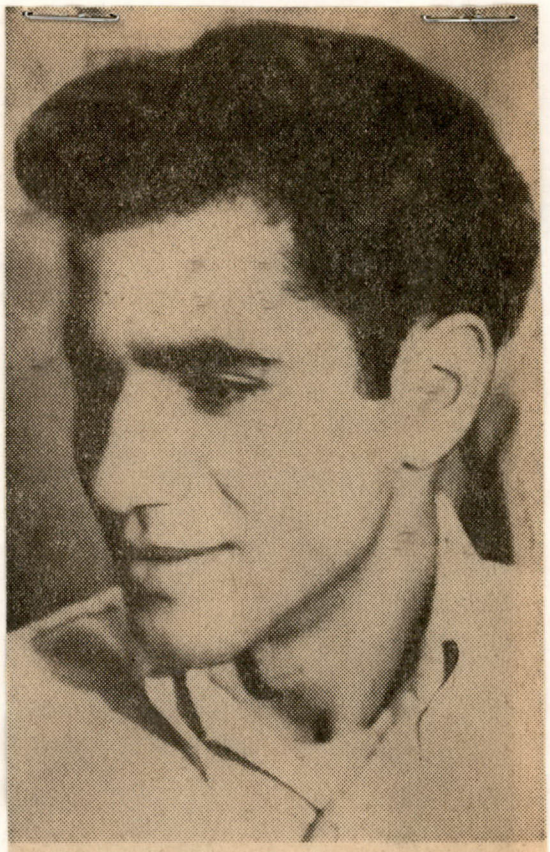

Associated Press

Sirhan Sirhan: Reconstructing his life.

2025 RELEASE UNDER E.O. 14176

0-19 (Rev. 11-3-69)

The Los Angeles Chief of detectives tells

the inside story of Robert Kennedy's murder...

the police investigation of the assassin's motives and actions...and the flood of conspiracies born after the crime.

* * * * *

WHEN Senator Robert F. Kennedy was shot down in Los Angeles on June 5, 1968, the actual gunman – Sirhan Bishara Sirhan – was overpowered and captured at once. But was this latest shooting part of a larger plan? Was it related to the slayings of President Kennedy and Martin Luther King? Were other public figures marked for death?

The world waited for answers. And the man who had to find them was Robert A. Houghton, Chief of Detectives, Los Angeles Police Department.

His first step was to set up a special police task force to work on the case under his personal direction. Its name: "SPECIAL UNIT SENATOR."

In this book, Chief Houghton reconstructs the progress of this unit as it follows up one lead after another. The clues are numerous, and point in all directions. Many of them stem from the reports of cranks, or of honest citizens with overheated imaginations – but few can be safely ignored. They include:

* The riddle of the girl in the "polka-dot dress," reported by witnesses to have been Sirhan's collaborator – which prompted police to stage an unusual fashion show...

* The confession of a teen-ager in Juarez, Mexico – who astonished reporters with the story that he was involved in the assassination and planned to kill Ted Kennedy...

* The sudden deaths of persons who had been questioned during the investigation – similar to deaths reported in the wake of John F. Kennedy's assassination in 1963...

* The charges of conspiracies (no fewer than seventeen were checked out), including a plot by the CIA, and another by the San Fernando "Valley Arabs"...

* The bewildering ramblings of Sirhan himself – and his mad, incoherent notebooks filled with threats of death...

Before the investigation was over, nearly 5,000 persons had been interviewed, from Los Angeles to Jerusalem. Sirhan's entire life had been meticulously pieced together and charted – in a patient but relentless search for the "why" behind the tragedy.

Absolutely authoritative and painstakingly detailed, this is the story of the most extensive quest for truth ever undertaken by a local law enforcement agency. It is not only a fascinating study of a modern crime investigation in progress, but a unique portrait of a crime and a criminal who may have changed the course of history.

"Readers who are fascinated with crime detection as it is really practiced won't want to miss a beat of this detailed account. This is sober, hard-bitten documentary writing."

–Publishers' Weekly

SPECIAL UNIT SENATOR

by Robert A. Houghton
with Theodore Taylor

$6.95, now at your bookstore

RANDOM HOUSE

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The Washington Post
Times Herald
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The New York Times Book Review 53
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
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Examiner (Washington)

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(SIRHAN)
SAN QUENTIN, CALIF.--SIRHAN B. SIRHAN, CONDEMNED ASSASSIN OF SEN.ROBERT F. KENNEDY, IS ON A HUNGER STRIKE IN HIS DEATH ROW CELL AT SAN QUENTIN STATE PRISON.
PRISON OFFICIALS ANNOUNCED THE DEVELOPMENT TODAY AS SIRHAN COMPLETED MORE THAN 6 1/2 MONTHS AWAITING THE OUTCOME OF APPEALS ON HIS CONVICTION AND SENTENCING LAST MAY 21.
NO EXECUTION DATE HAS BEEN SET, PENDING AUTOMATIC REVIEW AND APPEAL PROCEDURES WHICH ARE EXPECTED TO TAKE AT LEAST ANOTHER SIX MONTHS.
WARDEN LOUIS NELSON SAID SIRHAN BEGAN REFUSING HIS FOOD FRIDAY, AFTER SENDING HIM A NOTE SAYING, "THIS PLACE IS WORSE THAN A CONCENTRATION CAMP. I'M GOING ON A HUNGER STRIKE."
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Mrs. Sirhan Plans Appeal To the U.N.

A-10

Reuters

PASADENA, Calif., Oct. 8—Mary Sirhan, mother of the assassin of Robert F. Kennedy, announced today that she was going to New York to try to address the United Nations on peace in the Middle East and to appeal for her son's life.

Mrs. Sirhan, 57, called newsmen to her little wooden home in this Los Angeles suburb to read them a telegram she sent to U.N. Secretary General U Thant.

It read, "I wish to talk before the General Assembly next week in search for peace in the Middle East. I will take only a few minutes. If all goes well with the automobile I will be in New York Monday (Oct. 13). I will phone you. Thank you very much. Mary Sirhan."

Mrs. Sirhan, who was often on the point of tears during the interview, said she would leave today with her youngest son, Munir, 22, in a car rented with the help of Sirhan Bishara Sirhan's lawyer.

She said she did not yet know where she would stay in New York and had no friends there.

Conducting the conference from a chair on the veranda of her home, she told reporters, "I keep my radio going all night to hear the news and there is nothing happy about it. All I hear is shooting and killing. I am sure mothers all over the world want to stop it."

Mrs. Sirhan held a rock in her lap during part of the news conference. She said she "broke" the gray and red rock from San Quentin Prison when she visited her son on Death Row. Mrs. Sirhan said she keeps the rock in he home because Sirhan "closer" to her that way.

Kensalt

FILE

The Washington Post
Times Herald A-10
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
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The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

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United Press International

Mary Sirhan displays the rock brought from the prison where her son, Sirhan Bishara Sirhan, sits condemned for killing Robert F. Kennedy. The mother keeps the rock to be "closer" to her son. Looking on is youngest son, Munir.

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9-28-69

Criminal Section

SIRHAN S/28 NX

SAN QUENTIN, CALIF (UPI)-- ONE OF THE LONELIEST MEN IN THE WORLD TODAY IS CONVICT B21014, NOW AWAITING DEATH IN SAN QUENTIN PRISON'S GAS CHAMBER.

CONVICT B21014 IS SIRHAN BISHARA SIRHAN, 25, THE MAN WHO ASSASSINATED SEN. ROBERT F. KENNEDY.

SIRHAN IS NOT EVEN A PART OF THE SOCIETY OF "DEATH ROW." HE LIVES ALONE IN A SPECIAL THREE-CELL SECTION AT THE END OF THE SIXTH FLOOR TIER OF SAN QUENTIN'S NORTH CELL BLOCK -- CELL 22, SOUTH SIDE, CONDEMNED UNIT 1.

SINCE HE ARRIVED AT THE YELLOW-WALLED PRISON ON THE SHORES OF SAN FRANCISCO BAY LAST MAY 23, SIRHAN HAS GRANTED NO INTERVIEWS TO NEWSMEN. BUT NOW WARDEN LOUIS S. NELSON HAS ALLOWED A GLIMPSE OF SIRHAN'S WORLD.

TWO GUARDS, SEPARATED BY TWO STEEL MESH SCREENS ON THE DEATH ROW TIER, KEEP ANY PRISON INMATE FROM COMING CLOSER THAN 15 FEET OF SIRHAN.

HIS FOOD COMES FROM THE SAME CART THAT SUPPLIES THE CELLS OF OTHER CONDEMNED MEN BUT IS SERVED ON A TRAY BY A DIFFERENT PRISON GUARD EACH DAY SO THAT HE CANNOT BE POISONED. HE SKIPS THE 8 A. M. BREAKFAST AND EATS ONLY THE OTHER MEAL SERVED AT 2 P. M.

SIRHAN IS NO HIPPIE, BUT HIS WAVY BLACK HAIR NEEDS CUTTING. IT GROWS FAST AND HE MUST WAIT FOR A GUARD TO CUT IT RATHER THAN GOING TO A CONVICT BARBER.

"A MAN IS PRETTY HELPLESS WHEN HE'S SITTING IN A BARBER CHAIR," ASSOCIATE WARDEN JAMES PARK SAID.

WHILE OTHER DEATH ROW INMATES MINGLE IN A LARGE EXERCISE AREA EACH DAY, SIRHAN EXERCISES ALONE IN A 10-BY-15 FOOT STRETCH OF CONCRETE BEHIND STEEL SCREENS. HE HAS A MEDICINE BALL WHICH HE USES AS A PUNCHING BAG AND HE DOES PUSHUPS AND SITUPS ON A WRESTLING MAT.

SIRHAN HAS NO INTEREST IN NEWSPAPERS AND SELDOM WATCHES TELEVISION, PARK SAID. BUT HE SUBSCRIBES TO PLAYBOY MAGAZINE AND READS NEWSLETTERS PROMOTING THE ARABS IN THE MIDEAST.

GUARDS REPORT THAT HE SPENDS MOST OF HIS WAKING HOURS READING BOOKS ON THEOSOPHY, PSYCHOLOGY AND MYSTICISM AND LISTEN, WITH EARPHONES, TO ARABIAN MUSIC ON RECORDS HIS FAMILY HAS GIVEN HIM.

HE CAN TALK TO THE GUARD ON A GUNRAIL WHO PASSES HIM OCCASIONALLY. "BUT IT IS ONLY IDLE PRISON TALK," PARK SAID.

HE IS VISITED OCCASIONALLY BY LAWYERS AND HIS MOTHER AND TWO BROTHERS ARE PERMITTED 12 HOURS VISITING TIME A MONTH.

WHEREVER HE IS ESCORTED THROUGH THE MAIN YARD TO THE [illegible]'S VISITING ROOM, A LOUDSPEAKER ORDERS A 30-FOOT WIDE PATH CLEARED FOR SIRHAN AND HIS TWO BODYGUARDS.

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SIRHAN 6/23 WA

WASHINGTON (UPI) --THE GOVERNMENT ASKED THE BOARD OF IMMIGRATION APPEALS MONDAY TO DISREGARD CALIFORNIA COURT RULINGS AND PROCEED WITH THE DEPORTATION OF MUNIR BISHARA SIRHAN, BROTHER OF SEN. ROBERT F. KENNEDY'S CONVICTED ASSASSIN.

SIRHAN, A NATIVE OF PALESTINE AND CITIZEN OF JORDAN, RAN AFOUL OF IMMIGRATION LAWS IN 1966 WHEN HE WAS CONVICTED IN LOS ANGELES COUNTY OF POSSESSING MARIJUANA AND SENTENCED TO A YEAR IN JAIL CONCURRENT WITH FIVE YEARS PROBATION.

HE LOST THE RESIDENT ALIEN STATUS GRANTED UPON HIS IMMIGRATION IN 1957 AND WAS ORDERED DEPORTED UNDER FEDERAL STATUTES DEALING WITH CONVICTION ON A NARCOTICS VIOLATION.

THE DEPORTATION ORDER CAME JUST A MONTH AFTER SIRHAN B. SIRHAN WAS CHARGED WITH THE MURDER OF KENNEDY JUNE 6, 1967.

SUBSEQUENTLY THE CALIFORNIA COURT VACATED THE MARIJUANA CONVICTION OF THE YOUNGER SIRHAN AND REMANDED THE CASE TO JUVENILE COURT, NOTING THAT THE DEFENDANT WAS OVER 18 BUT NOT YET 21 WHEN THE ALLEGED OFFENSE OCCURED.

ARGUING FOR THE IMMIGRATION AND NATURALIZATION SERVICE (INS) MONDAY, ATTORNEY ROBERT A. VIELHABER TOLD THE IMMIGRATION APPEALS BOARD IT DID NOT MAKE ANY DIFFERENCE WHAT THE STATE DID AFTER THE CONVICTION. ALL THAT WAS NECESSARY FOR DEPORTATION WAS THAT "THERE IS A RECORD OF CONVICTION," HE SAID.

HE ALSO SAID THAT IN THE OPINION OF THE INS AND AT LEAST ONE CALIFORNIA STATE'S ATTORNEY IN THE CASE, THE LOS ANGELES COURT DID NOT HAVE AUTHORITY TO VACATE THE CONVICTION.

MAURICE A. ROBERTS, CHAIRMAN OF THE FOUR-MAN BOARD, EXPRESSED DOUBT THAT THE BOARD COULD QUESTION A COURT'S JUDGMENT OR HAD THE AUTHORITY TO IGNORE SUCH A JUDGMENT EVEN IF IT WAS DEMONSTRABLY QUESTIONABLE.

"I FIND IT HARD TO THINK THAT WE HAVE THAT POWER," HE SAID.

BOARD MEMBER THOMAS J. GRIFFIN EXPRESSED SIMILAR DOUBTS, COMMENTING: "HOW MANY TIMES HAVE WE PIOUSLY STATED THAT WE CANNOT GO AGAINST THE ORDER OF A COURT."

VIELHABER REPLIED THAT VACATING OF THE CONVICTION WAS A DELIBERATE ATTEMPT BY THE COURT TO COUNTER THE DEPORTATION PROCEEDINGS.

"WE ARE NOT TAMPERING WITH THE STATE COURT JUDGMENT," HE SAID. "THAT COURT IS TAMPERING WITH THE DEPORTATION PROCESS."

SIRHAN AND HIS COUNSEL DECLINED TO ARGUE THE CASE IN PERSON, LETTING IT STAND ON THE RECORD EXCEPT FOR AN ANTICIPATED WRITTEN REPLY TO THE GOVERNMENT'S ORAL ARGUMENT.

THE BOARD TOOK THE CASE UNDER ADVISEMENT, WITH A DECISION TO BE RENDERED AFTER SIRHAN'S LAWYER FILES THE ANSWERING BRIEF.

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Trial of Sirhan Reveals Dire Need for New Court

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By BUDD SCHULBERG

Years ago we covered the lurid "White Flame" murder trial for a Los Angeles paper, a typical Southern California crime of passion, a sob sister's delight. Compared to the screaming headlines of a "Black Dahlia" or a "Dr. Finch Murder Case," the trial of the assassin of Bobby Kennedy was reported with second-section modesty. For us the trial of Sirhan Sirhan was an eerie one to cover because it was the first (and we pray the last) time we were to attend a trial for murder we had witnessed with our own eyes.

The security check of those privileged few permitted to move through the protective barrier and enter the courtroom is the most thorough body-search we have ever exeprienced. First you remove everything from your pockets, every pen, pencil, slip of paper, coins, paper clips. Then you lean forward on a table while young officers feel you carefully from neck to shoelace. (Lady reporters say they even have to remove their shoes, nor are bras sacrosanct to the distaff fuzz.)

After the body search an electronic gadget is run slowly along every inch of you to make scientifically certain that you are not carrying any concelaed weapon; no tiny revolver, no pocket knife, not even a pin can endanger the precious life of the young man who robbed us of Robert F. Kennedy. At one point in my search the electronic device began to scream and two pennies were detected, forgotten in a small inside flap within a larger side pocket.

Not even a newspaper is admissible. The jury is not to be exposed to the daily press. Although how one could break through the barrier of bailiffs and plainclothesmen between the press section and the jury box is a problem for the Houdinis. Perhaps they fear we may roll our newspapers into clubs or spears and turn the decorous trial into the chaos of Dallas.

After one runs the gamut of state troopers and Hall of Justice security officers, the courtroom itself is rather an anti-climax. It is smaller, for instance, than the courtroom in Beverly Hills where my wife went on trial for driving 35 miles an hour in a 25-mile zone. It is similar in size to the courtroom where we assisted one of our young Watts writers charged with interfering with the arrest of an alleged traffic offender. With its nine rows of seats for 65 spectators, this seems an ordinary courtroom for a routine trial; certainly not the scene of judgment for a crime that has shaken the world and has deprived us of our most promising presidential candidate.

The Adversaries

On the right sits Buck Compton, captain of the prosecution team, an ex-football star, a hero both in the Rose Bowl and at the Battle of the Bulge. Buck is a ruddy-faced rock of a man with a Spencer Tracy stoop, in fact with a Spencer Tracy no-nonsense All-American directness; he is flanked by David Fitts, a sophisticated man who sometimes uses phrases and words his witnesses do not understand, and by John Howard, barrel-chested and, like Compton, suggesting square and solid rather than cube and complex.

In the opposite corner we find one of those superstars that criminal law enjoys—Southern Cal's answer to Melvin Belli, Percy Foreman and Lee Bailey—Grant Cooper. While the prosecution goes about its business with a kind of stolid semi-thoroughness, Grant Cooper gives a prize-winning performance, somehow managing to superimpose Cary Grant or Gary Cooper. Stylish, urbane, disingenuous, sometimes grinning at his own cleverness, Grant Cooper creates an impression of being in complete command of these proceedings, like a circus master dancing with theatrical elegance from ring to ring. A dapper, scene-stealing leading man is Grant Cooper with a star performer's love of limelight.

During court recesses, rather than take the 15 or 20 minutes to catch his breath or confer quietly with colleagues as do his less flamboyant opponents, Grant Cooper enjoys throwing himself into the whirlpool questioning of the press milling in the corridor outside the courtroom. Overshadowed but very much a figure in his own is Emile

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Zola Berman, who flew out from New York to join forces with Cooper, and a potent team they make.

Berman, with the beak and complexion of an angry, featherless bird of prey, is Jewish and understandably touchy about attaching himself to a case so inextricably bound to the Arab cause. There was one entire morning devoted to testimony from Palestinian Arabs describing their forcible removal from their homes in Jerusalem, suggesting how the displacement and maltreatment could poison and cripple the personality of a sensitive child like Sirhan Sirhan. And SS himself had taken the stand to render what amounted to a detailed lecture on the birth of Zionism and the complex diplomacy of the Middle East that led to the emergence of Israel. "Boy, am I going to catch hell in New York today!" 'Zook' Berman said to a small group of reporters at the noon recess.

Then why did Emile Zola Berman take this case? For the same reason that he defended critical civil rights cases in Dixie, his champions insist. Because unpopular cases and causes must be defended as spiritedly as popular ones. In this case, 'Zook' Berman would explain, there is an added incentive: California has a new defense for murder more sophisticated than that of any other state — Diminished Capacity. Or you might call it Diminished Responsibility.

In California you do not have to be legally insane to plead not guilty because of incapacity to premeditate or maturely reflect on the contemplated act. You may know the difference between right and wrong and still, according to recent developments in California law, be suffering from delusion, obsession, alcoholism and other processes of mind over matter that diminish your capacity to make a mature reflection in advance of your crime. Therefore, you are not totally accountable for your acts.

What Diminished Capacity really adds up to is an effort to mitigate if not eliminate Capital Punishment. Capital Punishment is on the ropes in California. It may be supported by a thin majority, but even a "Law and Order" governor like Reagan isn't rushing any of the 85 inmates on "Death Row" to the gas chamber. If voters hesitate to take the final, inevitable plunge and do away with execution, Diminished Capacity seems a humane compromise. And so it may be argued that 'Zook' Berman has come to the aid of Sirhan Sirhan in the finest tradition of the law, to defend the despised and to test a novel legal concept of human frailty.

Of course, cynics will tell you that Cooper and Berman are not so much Galahads of jurisprudence as they are unabashed publicity seekers and, in the mold of Belli, Foreman and Bailey, not above turning that sow's ear of publicity into an eventual silk purse. While the entire defense staff asserts it is working without pay, individual members are candid enough to admit they expect later to reap the harvest they are now sowing with the gratuitous services. Indeed a magazine writer was added to the defense staff for the sole purpose of permitting him exclusive interviews with Sirhan in his cell, a relationship that raised a whole row of eyebrows in the press room.

If he is a legitimate member of the press, colleagues argued, should he be allowed to publish his interview, predictably sympathetic one, in a national magazine while the trial is in progress? Can he serve two masters, the defense and the public press? Was Judge Herbert V. Walker within his rights to grant an "exclusive" to any single writer? Said one established crime reporter with a touch of malice: "This is Judge Walker's last case before he retires. Did you see that full page picture of him in Life? People who can't tell one Supreme Court Justice from another can describe Judge Walker. All that publicity, man! The human soul seems to crave it like pregnant women crave pickles."

On the credit side Judge Walker showed a firm hand when lawyers for the defense and prosecution seemed on the verge of making a deal with each other—plea bargaining, it's called. Let the defendant plead guilty in return for a reduced sentence, as in the abortive first trial of James Earl Ray. There was talk that the Administration would like to see the Sirhan trial foreshortened to avoid the political implications of the case in a period of Middle Eastern hypertensions.

It was Judge Walker's decision that the trial must be played to the last card, that in a case of this magnitude the public has a right to know everything there is to learn about a deed as injurious to the nation's health as was Macbeth's undoing of Duncan. Said a local judge, "off the record" at dinner the other evening, "It was absolutely incredible that the district attorney's office would consider even for a day a deal that would have turned the Sirhan case into the kind of travesty of justice Judge Battle permitted, even made himself a party to, in Memphis."

It was an insult to the historical stature of Martin Luther King that Judge Battle, Percy Foreman and the Memphis District Attorney were able to make a deal depriving the country of the knowledge it hungers for. Conspiracy more foul than the elaborate mechanisms of Shakespeare hangs over that cold-blooded shooting in Memphis. Who prompted the act? Who put the rifle in Ray's hands? Who helped him escape? Who hid him and staked him? Who are the members of the underground airline that passed him across the Atlantic and through Europe until he was apprehended by Scotland Yard on the very day Sirhan was identified, as if life was suggesting that the two unspeakable crimes were inextricably bound together? How are we to cope with "the politics of assassination" if we must be forever confounded by Dallas-type authorities, red-neck juries that condone racist murder, and the injudicous Judge Battles of our land?

If these questions sound negative, and if we seem to have strayed from our eye-witness account of the Kennedy assassination and the trial that followed, bear with us as we reason our way toward some positive if revolutionary suggestions on how to close in on the infectious disease of political murder.

In contrast to that one-day wonder in Memphis, the Sirhan trial consumed more than three months. This was hardly a race to judgment. Millions of words and almost 100 witnesses. Sometimes reporteres dozed, along with the judge, and news readers grew weary. Unless there was a dramatic explosion, as when the hot-tempered Sirhan fired his attorneys because they were introducing evidence reflecting on his intelligence and emotional instability (The old Diminished Capacity Trick, Maxwell "Get" Smart would call it), the Sirhan case disappeared into the back pages. Meanwhile, we heard mounting puzzlement and frustration about this trial. When you told your friends you had spent the day in that barricaded courtroom, the most frequent response was, "Isn't it a farce? After all, he admits he did it! Why should it take so long to——"

At issue was whether Sirhan was to be punished as a self-propelled martyr to the Arab cause or whether he was to be treated more leniently as a young man so emotionally disturbed, so mentally crippled as to have been incapable of premeditation.

Thus it becomes a classic of Logi

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cal or Objective Law vs. Subjective of Psychiatric Law. To the prosecution the case could not have been more simple. The defendant writes in his notebook that Kennedy must die. He writes that he will be the author of the crime. He records his conviction that the assassination of President Kennedy marked the beginning of the decline of the United States and that taking the life of his brother will speed that process, looking toward the day when communism or a cleansing anarchy will bring Utopia.

He buys a gun. He practices with it until he becomes expert. Even the chronology of the act is predicted in the notebook: RFK must not live beyond June 5. Two nights before the end he stalks Kennedy at the Ambassador Hotel. He is seen there, questioning people as to the extent of Kennedy's security. He checks out the places where Kennedy will pass. On the fourth of June, after a full day at the pistol range, he returns to the Ambassador, hides himself in the pantry, takes on "protective coloration" among the Mexican kitchen help, and just as he has promised, both verbally and on paper — shoots the unprotected candidate at point-blank range. Had he not said, in this very courtroom, in a moment of candor brought on by rage at his lawyer's strategy, "I killed Robert F. Kennedy with premeditation . . ."? Under cross-examination Sirhan testified that he would fight for the Arab cause. And that he would be willing to die for that cause. Now, could anything be simpler? If this is not premeditated murder, what in God's name is?

But to the ingenious defense, the same set of facts, turned in a different angle toward the light, could not be more complex. The interpretation of Diminished Capacity begins to turn the courtroom into a college classroom in criminal psychology. And what a field day it is for those forensic psychiatrists, hypnoanalysts, and roving psychologists.

The air becomes heavy with Freudianism and neo-Freudianism as a parade of head-shrinkers march to the witness stand to explain that Sirhan is a schizophrenic paranoid and therefore unable to premeditate a crime, that he suffers from alienation, despondency, delusions of grandeur, fear and hatred of an absent father, resentment of a domineering mother . . . and the reason he remembers nothing of the crime he committed is that he was suffering from "retrograde amnesia."

Wrapped in Spell

So day and night contend in the courtroom. To All-American Buck Compton it's clear as daylight. Sure the kid may have been lonely, unhappy, frustrated, a born loser "burned up" at Kennedy for siding with Israel. But he knew exactly what he was doing when he pumped those extra-velocity bullets into Bobby Kennedy. Cooper and Berman, on the other hand, wrap Sirhan in the folds of mysterious night, of dementia, supernatural trances, bizarre disassociations and self-hypnosis. Coaches Cooper and Berman fielded their psychiatrists like a high-powered football team with Dr. Bernard Diamond playing Joe Namath, throwing the long one for what the coaches hope will be a mental TD: The pattern of Sirhan's life "programmed" him, exactly as a computer is programmed, to commit the assassination without his being consciously aware of what he was doing. And Doc Diamond went on to describe the flashbulbs and the mirrors and the Tom Collins's at the Ambassador Hotel that sent Sirhan into the kind of trance he sometimes induced in his own room, in the spell of the mystic muses.

The prosecution's team of psychiatrists-psychologists was captained by Dr. Seymour Pollack, as eminent in the field as Dr. Diamond. If this was the Superbowl of forensic psychiatry, Dr. Pollack seemed to be playing Earl Morrall's quarterback role against Diamond-Namath. He did not pass on first down. His psychiatry was no less learned than Diamond's but more conventional.

'Sick but Sane'

Yes, Sirhan had paranoid tendencies, as well as schizophrenic. But he was legally sane when he fired bullets into Kennedy, he was disturbed but capable of premeditation, he was neither in a hypnotic trance nor a drunken stupor when he squeezed the trigger. Emotionally unstable, yes. But he knew exactly what he was doing.

For three days of the kind of cross-examination Grant Cooper excels in, he pushed Dr. Pollack all over the field but he was never quite able to bring him down behind his own goal line. Cooper did his brilliant best to outwit him and Sirhan lost his temper and jumped to his feet to call him dirty names, But Dr. Pollack clung to his conviction that Sirhan was "sick but sane." "Being honest is more important than being unanimous," is the way he put his refusal to go along with Dr. Diamond and other members of the Diminished Responsibility Club.

Whether you buy Diamond's interpretation or reject it (having observed Sirhan at the time of the shooting, for almost half an hour afterward and for many days on the witness stand and at the defense table, we believe with Dr. Pollack that he is lying)—there is no doubt that this young man deserves a long, hard, reflective look as the prototype of a political assassin. To say that he was "programmed like a computer to commit the assassination" is merely a new-fangled way of suggesting that Sirhan's life pattern conditioned him to perpetrate Magnicide, which Dr. Frederic Wertham, an expert on violence, defines as "the killing of someone big."

To commit magnicide is to leap from obscurity as John Wilkes Booth leapt from the theater box of the murdered Lincoln onto the stage of history, as Lee Harvey Oswald forever linked his name to John F. Kennedy's, as Sirhan Sirhan has accomplished through Bob. While Booth was a prominent actor he was completely overshadowed by his brother, Edwin, the greatest American Hamlet of the century.

A brooding sense of failure shadows the political assassin, a sense of personal inadequacy he fights against with intellectual pretensions and a will to do something pivotal and great. Yes, I may appear to be a failure, Wilkes Harvey Sirhan cries out, but actually I am superior to you, I know what is wrong with the world and how to right it. Take a neurosthenic who feels unable to cope with the world, give him a social cause, better yet a lost or losing cause, to identify with, let him indulge grandiose dreams of changing the course of events with a single act and you have the little man who today casts such a long shadow on our land.

Raskolnikov

Look at the pale, tense, undersized, d a r t i n g - e y e d, quick-tempered, sometimes cocky, sometimes morose, sometimes smirking Sirhan at his trial, watch him chew at his nails, bite at his thumb, sip water nervously and almost constantly from a paper cup, scan the crowd with his defiant, restless, intelligent eyes or blatantly try to flirt with the occasional attractive woman who enters the courtroom and you are reminded of another prototype, Raskolnikov, in that classic on "intellectual murder," Crime and Punishment.

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Yes, there in Sirhan's place in this unprepossessing courtroom we see Raskolnikov, a young man "out of the garret," irritable, self-absorbed, lying in his den "thinking . . . of Jack the Giant Killer." Unable to cope with his day-to-day problems, Raskolnikov takes refuge in the deed he is planning to commit and that no one who now spurns him would dream he is capable of committing. Like Oswald and Sirhan, Raskolnikov is a loner, not used to crowds, but as he begins to prepare himself for his crime, Dostoyevsky's anti-hero feels "a desire to be with other people . . . a thirst for company. He was so weary after a whole month of concentrated wretchedness and gloomy excitement that he longed to rest . . . in some other world . . ." In this spirit he is drawn to a tavern, an unlikely refuge for him and to have a few drinks with people he does not know. Not unlike Sirhan Sirhan mingling with strangers at the Hotel Ambassador. Troubled, bitter, touchy, self-important and dreaming of amassing a fortune as well as taking a life, Sirhan is Raskolnikov with an overlay of Palestinian-Arab resentment and envy of the Jews.

We find other elements of what we call The Raskolnikov Complex in Sirhan. Raskolnikov likes to experiment with his own feelings. In advance of his crime he visits the old woman-pawnbroker he intends to eliminate, to test his ability to carry it through. At the same time that he plans to commit a brutal murder with an ax, he has dreams that reflect his sensitivity and resistance to cruelty. He dreams of a coarse peasant brutally beating a horse to death, and when he wakes, horrified, he wonders how he can carry out the deed he contemplates if he is so upset by the vision of violence. Sirhan was similarly haunted by memories of brutality and his playmates described him as hypersensitive.

Raskolnikov and Sirhan are both arrogant and servile — we have heard Sirhan at his trial punctuate polite answers with so many "sirs" as to make them ludicrously embroidered. Even when Sirhan is shouting at the judge, like the most arrogant of Raskolnikovs, that he is guilty! that he wants to plead guilty to murder in the first degree! that he wants to fire all of his lawyers and handle his own case! that he wants to go to the gas chamber! — and Judge Walker is shouting back at him to sit down and shut up or a gag will be placed in his mouth and his hands strapped to his sides, even at the height of this scene straight out of Dostoyevsky, Sirhan does not forget the courtesies that underline his furies.

Sirhan assails from the witness stand "the goddamn Jews," and Raskolnikov expresses his contempt for the old pawnbroker who is unfortunately the world's first image of the Jew. When Sirhan snarls at his prosecutor, "Don't put words in my mouth, ask me, don't tell me!" do we not hear Raskolnikov doing his best to hold at bay his prosecutor? And finally, like Raskolnikov, Sirhan considers himself an idealist. Although his crime intensifies the climate of political violence that could destroy this Republic, he speaks from the witness stand as a man with no regrets.

Sober, Alert

He might reason with Raskolnikov: "In what way was my theory stupider than others that have swarmed and clashed from the beginning of the world? . . . Why does my action strike them as so horrible . . . because it was a crime, the letter of the law was broken and blood was shed. Well, punish me for the letter of the law . . ." Raskolnikov goes on to justify himself by thinking of the many "benefactors of mankind who snatched power for themselves instead of inheriting it" who "ought to have been punished at their first steps. But those men succeeded and so they were right, and I didn't, and so I had no right to have taken that first step."

Cross-examined on the witness stnad, Sirhan was asked if he regretted what he had done. His answer was no. There were no "photographer's flashbulbs" and hotel mirrors and election-night drinks and all the rest of that elaborate psycho-metaphysical theory for sending him into a trance now. Stone sober and mentally alert, he told us he did not regret having assassinated Robert F. Kennedy. Well, then was he proud of it? No, Sirhan said, in the servile-arrogant voice of Raskolnikov, he was not exactly proud of it, either.

We may learn more about the clutter of Sirhan's mind from Dostoyevsky than from the squad of defense psychiatrists who come to court at the bidding of the defense counsels to build their case for "Diminished Capacity." For Dostoyevsky was a concerned but impartial student of the disarranged mind of Raskolnikov. Psychiatrists in the Sirhan Trial must take "positions," must testify that he is truly suffering from "retrograde amnesia" or from types of paranoia that prevent him either from remembering or understanding his act; or they must testify for the prosecution that he is paranoid but aware of what he planned and executed, in other words lying.

Being a great novelist, and also under no pressure to twist a professional observation into a legal position that will strengthen or weaken a courtroom argument, Dostoyevsky is able to make a believable fusion of opposites. Raskolnikov feels as if he is in a trance when he commits his crime and there is something dreamlike about his ability to act so brutally, yet at the same time he is sufficiently aware to realize he must dissemble, must try to hide his actions and his true nature from the investigative light of his prosecutor. In the interest of scientific and emotional truth, Dostoyevsky is able to touch both bases at once. So could courtroom psychiatrists if they were not to assume mechanically the roles of experts for the prosecution or for the defense.

Not a Novel

Unfortunately, the Sirhan Sirhan case is not a novel. It is all too painfully true. But as we sit there in the courtroom day after day morbidly fascinated by our impression of Raskolnikov returned in the person of a young displaced Arab burning with desire for political revenge, we begin to wonder if our country has discovered the appropriate procedures for dealing with magnicide and the politics of assassination. For, while the Sirhan Trial has not been aborted by violence or cupidity like the Lee Harvey Oswald and James Earl Ray affairs, it fails to put the crime in its proper national perspective.

Despite the deaths of Lincoln, Garfield and McKinley and attempts on the lives of Roosevelt and Truman, our country still is not geared to judge political crime. It is high time we were. We do not sweep Oswald, Ray, Sirhan and our other recent political assassins into the One Big Conspiracy bag, as do most of our European critics and nearly all our black friends. But clearly, as they said in Hamlet, something is rotten in the Denmark of our soul.

Mexico is thought of as a violent land, but 40 years have passed since the violent death of a Mexican president. The French are a volatile people who like to emotionalize their politics, but no French president has been assassinated in nearly 40 years. And British prime ministers have not been removed except by non-violent decision since 1812. Yet we find it already tragically taken for granted that Ted Kennedy's life is in danger and that if he should run for or achieve the Presidency he too will fall a victim to magnicide like his martyred brothers. We have not met anyone in many months who is not burdened with this apprehension.

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Other Sirhans, other Oswalds, other Rays now stalk this land ready to cut down the leaders with whom they — and perhaps fellow conspirators — politically disagree. This is public murder and it would seem to demand a different kind of trial, on a higher level, than that we prescribe for personal or private murder. Sirhan, for instance, is being tried by the same legal machinery and state laws as was a young man called Goedecke who slipped away from a church service a few years ago to murder his mother, father, sister and brother. He tried to clean the blood stains from his clothes and to leave the house in disorder that would suggest a robbery. He returned to his home next day with a young lady, appeared shocked to discover the bodies and called the police.

It seemed to the prosecution that his crime was as premeditated as Sirhan's, but a recent appeal to the State Supreme Court, on the basis of Diminished Capacity, was decided 5-2 in favor of the defendant. One of the two dissenters was Judge Stanley Mosk, a distinguished liberal who decries capital punishment. "But," he wrote in his dissent, "you cannot plead guilty by reason of schizophrenia. That is neigher good law nor good medicine." Even prior to Sirhan's conviction, his defense staff had indicated that it would appeal and had confided to some reporters that the Goedecke case was a reassuring precedent.

But, we argue, as terrible as it is, the Goedecke case involves a crime passionale. An inter-family crime. Horrifying but intensely personal. It has nothing to do with politics. But the murder of the Kennedys, of Evers and of King, has only to do with politics. National politics. The Sirhan Case does not belong to California. It happened to take place there, but Bob Kennedy could have been murdered in any state where someone took violent exception to some aspect of his political philosophy.

Similarly Medgar Evers was shot and killed by Byron de la Beckwith on the doorstep of Evers' home in Mississippi, but this was no local matter. Clearly it was a national crime. It is the law of our land that every citizen is entitled to vote. Evers was leading a courageous and slowly winning campaign to make that law more than an empty promise. When de la Beckwith deliberately blasted Evers from this earth, he was not firing at Evers the man, he was expressing a political opinion, defiance of the Constitution and the federal voting law at the end of a shotgun.

An assassination like de la Beckwith's, or the killing of another civil rights leader, Wharlest Jackson, whose truck was firebombed, or the gruesome triple lynching near Philadelphia, Miss., or the murder of Mrs. Viola Liuzzo near Selma, Ala., or the assassinations of Malcolm X and Martin Luther King are political murders, public murders, national murders and they belong not to the individual states where they have taken place and where the crimes are frequently condoned or the police work is bungled or the prosecution staff and judges are often inadequate—they belong to the highest national court our nation can provide.

If this requires a new amendment to the Constitution, let us begin. At least we think it deserves serious consideration that political assassination be judged by a new kind of Supreme Court, a High Tribunal like the one we helped set up at Nuremberg to try major war criminals for their crimes against humanity. A conventional state trial with city prosecutors and local jurors is simply not equipped to take the measure of political murders and conspiracies.

How would it work? A federal grand jury or panel of able and responsible public citizens, such as delivered the recent Report on Civil Disorders, would weigh the evidence as to whether a murder is personal or public. It is not such a complex matter to decide. When the murderer is not even acquainted with his victim, when there is neither a personal nor a monetary motive, when the killer hasn't run amuck, firing into crowds and passing strangers, when instead the gun has been aimed at a key figure whose politics are manifestly at variance with the views of the holder of the gun, then the murderer should be tried, instead of being permitted to throw himself on the mercy of the limited Memphis machinery. And now Sirhan.

In this High Court, either specifically appointed or instituted by the Supreme Court or by all three branches of our government, the elements of conspiracy would be considered far more seriously, as well as the political significance of the crime. Not only psychiatrists and psychologists should testify but sociologists and political scientists. Indeed, the rash of public murders our country has suffered in the 60's suggests that we need as expert witnesses not only doctors who speak of paranoia and schizophrenia but students of the burgeoning institution of public murder and political conspiracy.

To study crime only through a personal telescope must narrow your view: Oswald, de la Beckwith, Ray and Sirhan are hardly well-adjusted citizens. If they were being tried in California for personal murder, you could build an argument for diminished responsibility in each of their cases. But meanwhile the political impact of their acts would be hidden behind what we irreverently call The Headshrinker Curtain. No offense to the head doctors. With the ranks of the mentally walking wounded multiplying every year, we need all the mind-blowers we can train. But we need something more.

Three months of the Sirhan Trial have convinced me that Los Angeles, while it can take credit for improving on Dallas and Memphis, not to mention Natchez, is simply not up to a case of this magnitude. California Law is not up to it. No state laws, limited by the concept of personal murder, are up to it. Americans, at least the best of them, hopefully most of them, have no wish to punish Ray and Sirhan physically, or to take a life for a life. What they want is to know everything there is to know about them.

If there is even a breath of conspiracy, let every invisible bug creating that breath be analyzed and not washed down with mouth spray. In the King Assassination Case his triggerman seems to be trying to say what most of us think obvious: there was not only conspiracy but a whopping, efficient mother of conspiracy. Chances are, even a new trial, with Memphis ground rules and state laws not geared to the nature of the crime, will not cut to the heart of the matter.

A Strong Argument

One of the strongest arguments for moving the trial of a James Earl Ray out of Tennessee and on up to a special tribunal comes from James Earl Ray himself. In a letter to author William Bradford Huie, Ray expressed his confidence that he had little to fear from a jury drawn from the rolls of Shelby County, Tennessee, because 70 percent of the voters of that county had voted either for Wallace or Nixon. And he added the chilling fact that "no white man has ever been given the death sentence in a racial killing."

According to Huie, one of the great Southern reporters (he solved the Emmett Till murder in Mississippi), Ray considers himself as a political prisoner and regards the killing of King as a political action approved by millions of his countrymen and perhaps even by a majority. Ray and his two younger brothers were ardent Wallaceites and had hoped for a prompt pardon

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from "President" Wallace. Ray believes he has fired a crucial shot in a new "Civil War."

We have heard Sirhan say from the witness stand that Johnson, Goldberg and Kennedy "deserved to be killed." That was his way of expressing his political disagreement with them on the Arab-Israeli question. Personal murder and political assassination are two altogether different crimes and no one expresses this more clearly than Ray and Sirhan themselves.

In the Sirhan case, two friends of ours who were with us at the Ambassador when Sirhan outvoted Bobby with his practical .22, Booker Griffin, a well-known journalist, and a Los Angeles County Democratic leader, have told us they saw evidence of what they believe may be conspiracy. Others concur from what they saw and heard that, "Bobby could never have left the hotel alive that night." Griffin's offer to testify as to what he had seen was blocked by a prosecution that did not welcome, in his opinion, facts at variance with the simple, straight-line case they had chosen to present.

When this writer and his colleagues in Watts held a memorial service in our Douglass House Theater for King and Kennedy, a small man of light tan complexion and carrying a violin case moved up toward the stage row by row while we were reading Ted Kennedy's eulogy to his brother and describing that final train journey to Washington. Finally, the stranger with the violin case started up the steps to the stage. He was pulled back by members of the Watts Writers Workshop and later put out of the building. Wearing khaki pants and a plaid sports shirt, with the wispy beginnings of a beard, he seemed to bear an uncanny resemblance to the man with a violin case that our friend Louise Carter saw with Sirhan at the Ambassador Hotel two nights before the tragedy.

We are not saying this proves conspiracy. Indeed, we question that conclusion. But we are saying that a special tribunal oriented to the politics of assassination and the patterns of conspiracy would not be so hasty as were the prosecutors of Sirhan to agree that there was no evidence of confederates. Our experience was similar to Griffin's: when we called the attorney general's office to offer what we believed to be additional information on the subject of premeditation and possible conspiracy we received no encouragement. We reveal this not because we feel personally rejected, but because we find it incredible that every shred of evidence was not pounced upon and that every eye-witness was not questioned exhaustively.

A high court sitting in judgment on political assassination may sound like an "un-American" graft on our tree of justice. But, if we may paraphrase Gilbert and Sullivan, "Our object all sublime, we shall achieve in time to make the trial fit the crime, the trial fit the crime." Nor would we depend on the FBI with its political attitudes calcified in the person of J. Edgar Hoover. Anyone who mistakes Martin Luther King for a communist is a relic of the past who would only retard the development of new concepts of justice in tune with these turbulent times. A special court would seem to require a special intelligence staff trained in political science as well as conventional crime detection, a staff that would not leave grave questions unanswered, as in the cases of Ray and Sirhan.

Maybe Sirhan did kill Bob Kennedy alone and unaided, because he was "burned up," as he put it, with the senator's public support of planes for Israel. But the way our state courts are constituted, and our district attorney's offices, with the traditions of our advocacy system, and now with the added wrinkle of Diminished Capacity or Responsibility to blur the issue of public vis-a-vis personal murder, we may never know.

To give them their due, Grant Cooper and Emile Zola Berman have done their bit for old-fashioned justice by taking an unpopular case and defending it with all the brilliance, ingenuity and skill developed in a lifetime of trial law. And eschewing all possibilities of conspiracy at the outset, the prosecution had done a low-keyed and straightforward, good if not brilliant job and hence had made its dutiful contribution to old-fashioned justice.

But as an observer of the crime and of the trial that would set the punishment, we call for new-fashioned justice, updated not only by the latest findings of psychiatrists who inevitably cancel each other out as experts study the same subject and the same body of research material and reach opinions as opposite as the poles.

Just as de la Beckwith did not kill Evers but tried to murder his ideas, and as Ray did not kill King the man but tried to murder his ideas, and as Sirhan Sirhan did not kill Kennedy the man but tried to murder his ideas, so now the time has come to assess the crimes of the Sirhans, not as the crimes of men, disordered and fallible, but as crimes flowing from ideas bent on murdering the democratic spirit.

"Assassinaton," said George Bernard Shaw, "is the most extreme form of censorship." No matter what the state of mind Sirhan Sirhan claims to have been in when we saw him firing his revolver in that pantry, he was censoring the honest and and outspoken opinions of Robert Francis Kennedy. The implications of this ancient and lately disinterred form of censorship cry out for judgment at the highest possible level of jurisprudence if the politics of assassination are to be countered with the politics of constructive change. If we as a People fail to respond to the challenge of the de la Bechwiths, Rays and Sirhan Sirhans, if we cannot develop the proper laboratory in which to place their crimes in clear national perspective, then we are all doomed to live and die with what Bob Kennedy, in his eulogy of Martin Luther King, described as: "... this mindless menace of violence in America which again stains our land and every one of our lives."

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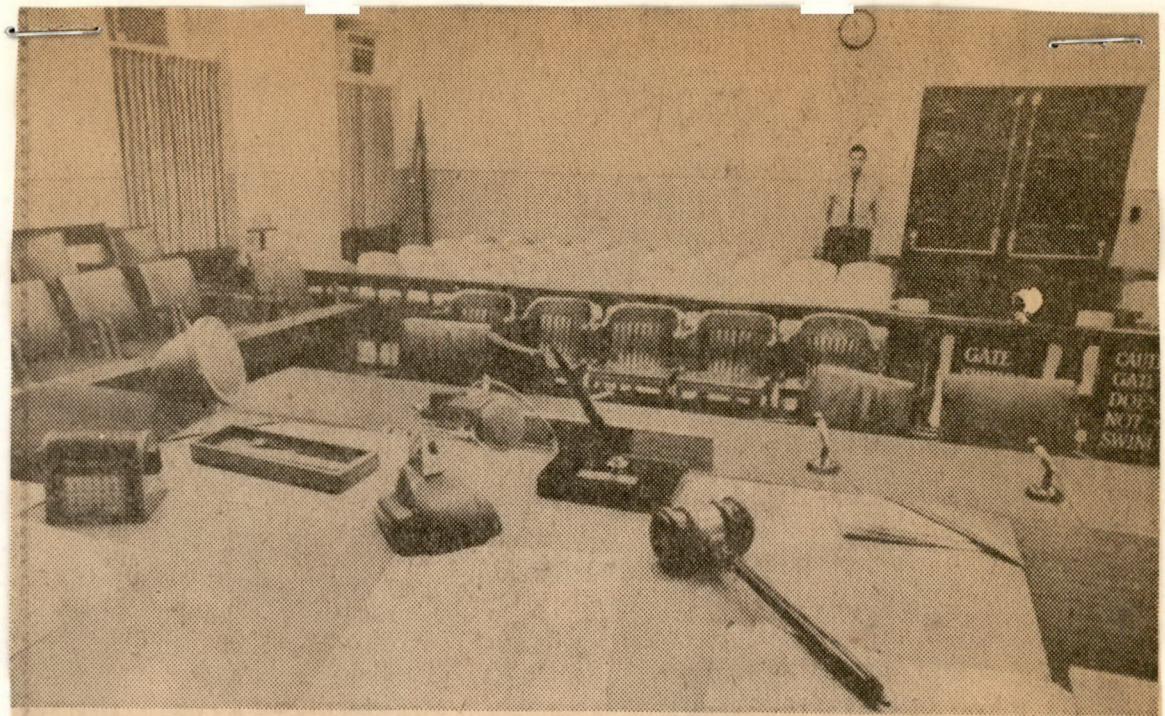

—Associated Press

The courtroom where Sirhan was tried and convicted.

—Associated Press and United Press International

Emile Zola Berman (left) and Grant B. Cooper, Sirhan's attorneys.

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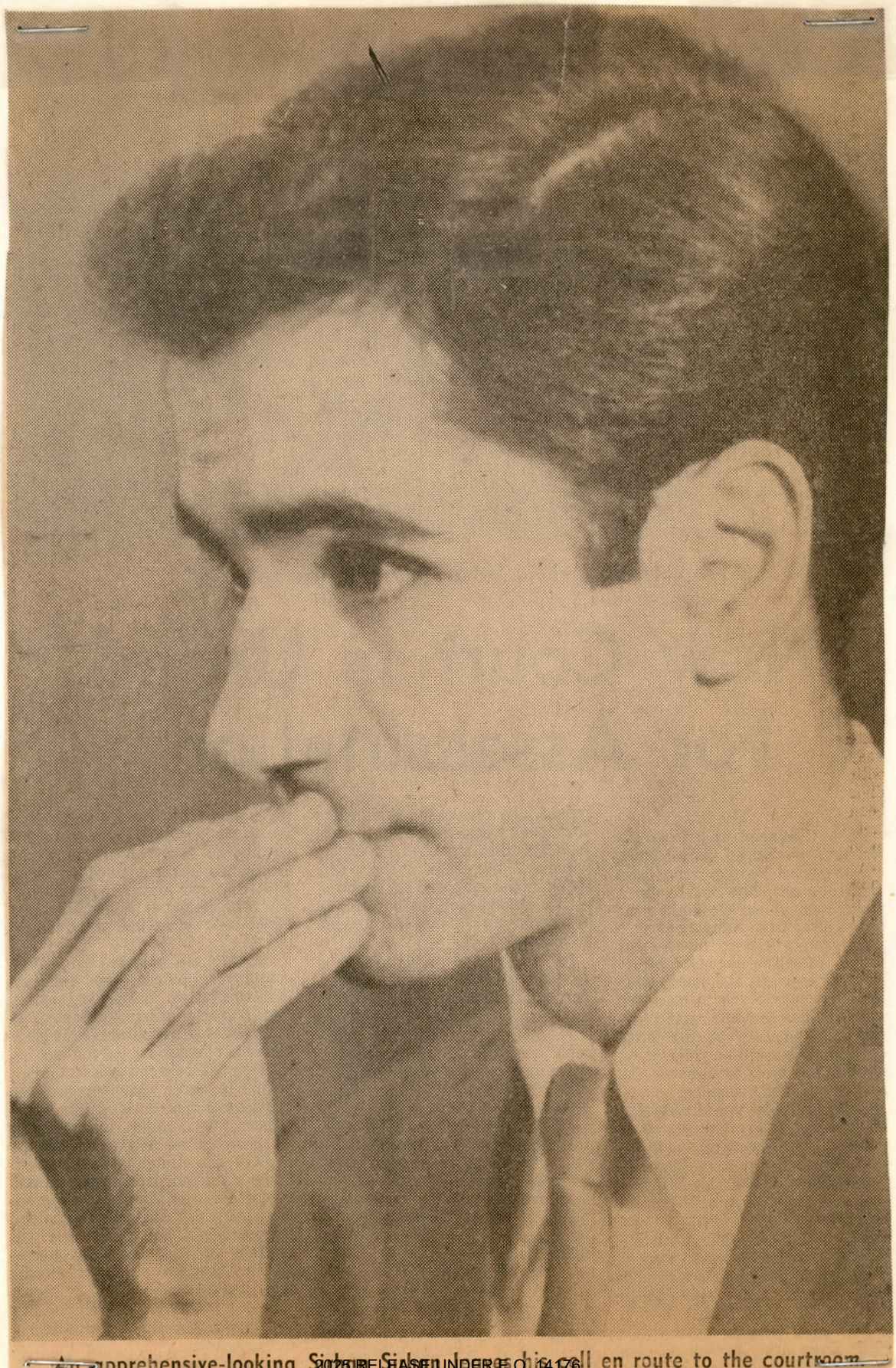

An apprehensive-looking Sidney Siskind rings his cell en route to the courtroom.

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Tolson
DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

RFK's Death in the Perspective of a Year

By BUDD SCHULBERG

When Bob Kennedy decided to make the run for the White House we were in Italy working on a novel by the shore of the legendary Lake of Como with snow-capped Alps standing sentinel around us. We felt safe, secluded, productive. The London Times and the Paris Herald-Tribune and the Rome Messaggero brought the daily news to our reading room every day, so we knew about the crisis in gold, the British refusal to admit Indians to their island, and we were increasingly aware of the political quicksand LBJ had stumbled into in Vietnam. But, on a two-month sabbatical from the pressure of civic problems that had demanded great hunks of our time for a number of years, it was a relief to be able to read about world issues without feeling a moral obligation to do something about them.

If we may be excused our conceit, we thought that after years of involvement we had earned a rest, what we described as a "working vacation," the luxury of getting up in the morning, kissing your wife, breathing the air, taking a walk, clearing the mind and then, "ah sweet mystery of work."

That was our selfish state of mind when a cable from Bob Kennedy found us on the shore of that picture-postcard-blue Italian lake and called us back to reality. American reality. The cable said he "found himself in a struggle," and expressed the hope that we would be back in the states in time to enlist in his campaign. He expressed his appreciation for any help we might be able to render in getting his message across to "your people." Geraldine and I smiled at that one for Bob meant not Hollywood people or literary people or Jewish people but black people, the friends we had made in Watts and other neglected communities in the course of establishing the Writers Workshop in the wake of the holocaust four years ago.

That evening we answered that we would be coming back shortly, ready to enlist in his army of volunteers. And we fired off this opening salvo to the director of the Watts Writers Workshop:

"You know, at the end of my dialogues with Jimmy Baldwin I said I thought the whites had almost had it, that unless they could rip the racism out of their culture, out of their hearts, our country was on the road to violent division. However, I feel we have a last chance with Bobby Kennedy. I know that he honestly wants to get out of this damnable war that is bleeding us to death. I believe him when he says he wants to take those billions we are pouring down the Saigon drain and put them to work in our ghettos, rebuilding them. . . . If we can get Bobby in we have a last chance of doing something on a federal scale about the galling neglect we see in Watts. Yes, Bob seems to understand what we need for our cities, not just those billions but ideas, imagination and love. What Bob saw when he came to our workshop to meet the writers could be enlarged a thousandfold in every single community. If we blunder on, if we cut back the services we should be expanding, if we just remain 'liberal,' then you are right, then comes Armageddon. . . . So, a long-winded nomination speech for Bobby Kennedy, our last best hope of making it, together!"

Another Dallas

Lyndon's stunning abdication speech made us even more eager to work for what seemed to us that last, best hope. But Italy is seductive and we lingered, some days in Venice and more in Rome. We were enjoying the sculpture and the markets and the restaurants and the people when the sky fell down.

Another Dallas! This time in Memphis. This time not the President nor Medgar Evers, the black messiah of Mississippi, but our Nobel Prize Winner for Peace, apostle of black freedom through nonviolence, Martin Luther King. Not again! Not another public murder! How long, oh bigots and sons of

The Washington Post
Times Herald
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington) C-3
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

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bigots, can we bear your slings and arrows, telescopic rifles and shotguns?

In that moment the sidewalk cafes of the Via Venetto lost their music and the graceful Spanish steps were shadowed in grief and rage. It was time to come home. More than ever we believed what we had written our friends in Watts. Now angry young braves would be tearing our cities apart. It would be black against white, father against son . . . "a time of shame and sorrow . . . this mindless menace of violence in America which again stains our land and every one of our lives." The quotes are from Bob Kennedy's address on the assassination of Dr. King on the day after that calamity.

Militancy Arrives

Two months later, Sunday afternoon, the second of June found us on Central Avenue, the Main Street of black and deprived South Los Angeles, speaking at a Kennedy rally with Charles Evers, who had picked up the standard fallen from the hands of his martyred brother in Mississippi. While Evers was on the platform explaining his reasons for supporting Kennedy, saying he believed the senator had a rare and possibly unique capacity to break the chains of racism that were holding his people back, a black militant leader came into the hall with his "troops." We were concerned that he might try to break up the meeting. He had a stack of leaflets attacking Kennedy along with Humphrey, McCarthy, Nixon — blue-eyed devils all.

Our Kennedy-Evers team had strong black support in this community and, with a critical primary less than 48 hours away, it seemed as if more violence might erupt. We went over to the militant leader, whom we knew fairly well, and asked him please not to disrupt the meeting. We said Charles Evers risked death from full-time racists every day of his life and had come a long way to plead Bobby's cause. "Even if you don't agree, he deserves a respectful audience." The local black leader nodded. He could be difficult but sometimes not unreasonable. "OK," he agreed, "I personally think it's all a waste of time because any good black man or any real friend of the black man is going to be cut down sooner or later — like Jack Kennedy and Medgar Evers and Brother Malcolm. But I can dig it. You go ahead with your meeting. We'll pass out the literature in the parking lot."

Man Who Waited

The rally ended tensely if peacefully. Charles Evers said that President Kennedy and his brother and Martin Luther King, along with too many others murdered in the South in recent years, all shared a belief in the dignity of man and the eventual triumph of genuine democracy. And he prayed that Bob Kennedy, who stood up for Medgar and for Martin and for all the oppressed, would be able to bring this about through the democratic process.

In the audience for that rally was our employe of many years, Mrs. Louise Carter. While we were scheduled to speak at several other gatherings that evening, Louise went on to the Ambassador Hotel to attend a large reception for Kennedy. Next morning she said she had seen Bob Kennedy, in fact had shaken hands with him twice, in the famous Cocoanut Grove. But, she said, she also had encountered a slight dark-complexioned young man who worried her because he had been wandering around the stage and looking behind the curtains.

Louise had once worked at the Ambassador and she knew where extra chairs were stacked, in a passageway behind the stage to the rear of the ballroom. The young man accompanied her. He seemed to know his way to the side corridor and cautioned her, "Be careful, you could hurt yourself. It's pretty dark in there." He was very polite and offered to bring an extra chair back for Louise's friend, Caroline. The passageway where they found the chairs has an entrance into the main lobby and also connects with the Embassy Room and the pantry where Kennedy was to meet his death two nights later.

The young man's knowledge of the area and the way he was dressed prompted her to ask him if he was an employe of the hotel rather than a guest. He said no he was just a spectator who had come like all the rest of the crowd to see Kennedy. And he added, "Shouldn't he be here by now? Isn't he late? I wonder why he hasn't shown up yet." With him, according to Louise and her friend, was another young man, also slender and swarthy, carrying a violin case. And he also asked if they knew why Kennedy was late and if anything could be keeping him from the hotel.

Both young men kept wandering up on the stage and looking behind the curtains. Said Louise Carter as she described her misgivings to me on the morning of June 3, "Later when I saw all those crowds around the senator and trying to touch him, he seemed so unprotected — and with so many angry people walking the streets these days, it just doesn't look safe to me."

On Primary Election Day we passed the time trying to relax and rest up for what we thought would be a long and eventful evening. It reminded us of the way boxers spend their days awaiting important contests. We turned on the radio. The television news. Called some friends who were on the fence. Called Kennedy workers to try and find out how it was going.

Around 8 p.m. Pete Hamill, the writer, came by with his younger brother and the four of us drove to the Ambassador. The Embassy Ballroom had an air of tentative gaiety. Not too many had arrived yet, but those who came early were optimistic.

In a small roped-off section, press officers Pierre Salinger and Frank Mankiewicz were working their desks, taking quick phone calls and jotting down meaningful hieroglyphics. Both thought it looked good for Bob, mentioning percentages that turned out to be slightly optimistic. "South Dakota is in and bigger than expected," Frank told us. His father, the gifted writer of "Citizen Kane," had worked for my old man and we remembered Frank as a child-editor putting out a surprisingly professional mimeographed newspaper with his brother, Don. If Bob could make it to the White House it was believed that Frank would become his Pierre. For us that was a comforting thought. Bob knew where he was going and Frank was an ideal companion for that journey, cool but concerned, and brilliantly informed.

Smelling Victory

Now the Embassy Ballroom was coming to life. Pretty girls in miniskirts and Kennedy skimmers. Earnest young men from the New Left. Middle-aged doctors and lawyers and their socially-minded wives. The liberals. A lot of black people. A smattering of Democratic pros. Everybody was friendly, very up, smelling victory but more than victory, tasting hope. We talked with Pete Hamill about it as we waited for the night to begin. Pete was a Ramparts man, a Village Voicer, a crony of Norman Mailer's, a brother-in-law and chum of ex-heavyweight champ Jose Torres. Pete was an Irishman and sometimes fought like one and often wrote like one, like the best of

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his crazy and talented clan. He was bitter about the war and the state of the union and the compost heaps that we like to call "inner cities," but this night he was happy and hopeful and it may sound corny but we raised paper cups to a better world.

We were joined by Warren Rogers of Look magazine, who had been on the campaign trail with Bob and who shared our feeling that he was the most misunderstood man in American life. We had never found him ruthless, cold and calculating; on the contrary we knew him to be warm, humorous and intensely human. "I know he attracts some of those people around him because of who he is," Warren had said. "But the truth is, he's fun to be with. I feel—good—around him." That was the way his friends felt about him. And he had as many of those as he had enemies.

The ballroom was filling up now and returns were beginning to come in, so we decided to go upstairs to the Kennedy suite. There we found a kind of impromptu party in progress, one of those "only in America" things, or maybe only in a Kennedy America: astronaut John Glenn, Olympic champion Rafer Johnson, the Milton Berles, film director John Frankenheimer, Charles Evers and John Lewis, one of the original leaders of SNCC, Mexican organizers of the huelga against the wine growers.

Sharing a couch with Glenn, a Catholic priest, a Democratic officeholder, a local black leader and a Hollywood glamor girl was Ethel Kennedy. Star athletes, national heroes, liberal politicians, movie stars, writers, strike leaders, black militants; from the mansions of Beverly Hills, the playing fields, the vineyards, the ghettos. "This gathering is not to be believed," said Pete Hamill as he bobbed and weaved through the group bunched at the one small bar.

We watched Ethel watching the telly as her husband slowly began to pull ahead of his rival. "And I'll bet our Chicano vote isn't counted yet!" said a Mexican-American covered with Kennedy and "Huelga" buttons. "My people, they vote a hundred percent." This turned out to be the most accurate prediction in a night no one could have predicted except a nondescript young man who was downstairs in the area of the campaign reception rooms, having himself a drink or two before going back to his car to get a lethal little gun with which he had been practicing for days.

Five floors above that mysterious youth unnoticed in the crowd, our candidate wandered quietly between his bedroom and the suite across the corridor where colleagues and well-wishers were gathered. "How we doing?" As he stood in the doorway with a wan smile, his face reflected the tough campaign — from New England to Southern California, that country of anglers and screwballs where the political pendulum swings easily from Socialist Upton Sinclair to ultra-rightist Ronnie Reagan.

For Bob Kennedy it had been a campaign physically far more demanding than for the others, because their followers had no compulsion to touch their man, kiss him, hug him, share him. We had seen it in Watts when he came to speak outside our Douglass House Writers' building. He was mobbed and all but swallowed up in that exuberant crowd. His black believers literally hurt him with their love. And this was repeated in white communities, in suburbs and in shanty-towns. No one else in America was generating that kind of magnetism. But as we had learned to our sorrow two months earlier to the day, a magnet for love is also a magnet for hate.

A Close Decision

Shortly after 11 o'clock CBS-TV announced that Bob had won a close but clean-cut decision. Escaping for a few minutes from the mounting festivities, we were standing on a balcony with NBC commentator Sandy Vanocur, chiding him lightly for his network's refusal to concede. Sandy was a proud competitor and a personal friend of Bob's, but network officialdom had set up a curtain of caution between him and what he had hoped would be the first interview with the winner. We were talking about Bob and what we thought he could do to bind up the grievous wounds that were bleeding the country when Warren Rogers joined us to say that Bob had asked him to find me — he had said he'd like to talk to me alone for a couple of minutes. My wife Geraldine asked if she might come along; it was a moment she would like to remember.

In a modest bedroom with twin beds Bob was sitting on the floor in a corner, with his knees drawn up, a favorite position that reminded us of visits both to his home and his office. He was smoking a small, slender cigar, the first time we had ever seen him do so. He seemed markedly less jubilant than the rest of us. More tired, undoubtedly. And with so much more to do. Geraldine and I offered our congratulations on winning the crazy-quilt State of California. He said he was going down to the ballroom in a little while and asked what I would say if I were in his place. I realized he had talked to Sorenson and Schlesinger and others better qualified than I, but as I had done with him on other occasions, I plunged in anyway: "Well, if the margin is four or five points, you know who they are, the —"

He stopped me with a slow grin. "I know, you're going to give me the thing about the black vote and the Chicano. . . ."

"The Chicano is like 99 point nine and I hear South Los Angeles is 85 percent."

"A lot of black friends will be on the platform with me. I think Walter (Sheridan, a long-time aide all the way back to Senate Racket Committee days) is asking Cesar Chavez. They did a terrific job. Terrific."

We talked for a few minutes about our Workshop in Watts. Bob had come twice, had met the writers, had read their anthology and now he said again that he thought we had touched a nerve — not just mechanical skill centers and on-the-job training, but cultural projects for people in ghettos all over the country who had been bottled up too long and were proving how much they had to say and how well they could say it. Bob said he was interested in a suggestion we had made to a Senate subcommittee on which he served — of an Arts Corps, a kind of updated Federal Theater and Federal Writers' Project fitted to the needs of Watts, Hough, Bedford-Stuyvesant. (Maybe this sounds like crazy liberal talk a few minutes before going down to thank the voters of California for sending him to Chicago to unseat Hubert Horatio, but we have been feeling an obligation to put it all down as we remember it, just as we would dearly love to know what Lincoln had been saying in his box at the Ford Theater.)

Speaker Jesse Unruh, "Big Daddy" of California Democrats, came over to suggest that it was time to go down. Ever-practical Jesse was probably thinking that it was nearing midnight and that Bob should be seen on TV in his winning posture by as many people as possible across the country. Bob rose to his feet slowly. There was no elation in him, certainly none of the cockiness attributed to him by detractors. He seemed thoughtful, concerned, perhaps a trifle subdued.

He said he'd like to pursue the Arts Corps idea. He said, "Stick around; let's talk later." I asked him where. He said after the talk in the main room he would come to a smaller room, the Colonial Room, off the pantry. He said he wasn't going to hold any formal press conference but would like to see some of his particular press friends there.

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Later—work done for the night, a private party would move on to celebrate at The Factory. Then Bob asked me if I would like to accompany him and Jesse Unruh to the platform. I said I didn't want to look as if I were taking bows with the winner and pushing myself into the picture. Geraldine and I would wait in the Colonial Room and see him later with Warren Rogers and our other mutual friends. "The brothers and Chicanos," I said. He nodded and smiled. Then Warren joined us and we followed Bob into the corridor where he was immediately swallowed up in a crowd of well-wishers and television cameras, waiting to accompany the victor on his way down to the ballroom.

A Festive Moment

In the Colonial Room about 20 of us were waiting for the senator. We watched the preliminaries on television as he was getting ready to come to the microphone. It was a festive moment and Warren thought we should all have drinks in our hands to toast the occasion. He was gone a few minutes and when he returned with the highballs it was also with the information that Bob would shortcut through the serving pantry that divided our smaller room from the ballroom.

For some reason this fact went unreported in national magazines, nor was it revealed in the Sirhan trial which we attended in morbid fascination and, at times, dismay. To this layman mind it seems as if it may have had some bearing on the crucial subject of premeditation. Did Sirhan simply stumble blindly into the serving pantry in search of coffee to cure his "intoxication," as his team of gifted defense counsel would have had the jury believe? Or, aware that the senator had taken a similar route through the pantry when both tracker and tracked had been in the hotel two nights before, had the assassin sequestered himself in that pantry so that he could gun down his unsuspecting target, as he had promised in his notebooks: "Kennedy must fall . . . Kennedy must die . . . Kennedy must not live beyond the fifth of June."

We all watched Bob's neat, brief "Thank you—and on to Chicago" speech and then, anticipating his arrival through that back passageway, moved closer to the pantry doors. "We" includes Pete Hamill and Booker Griffin, a local black journalist I had known from the early years in Watts. A few yards behind us were Warren Rogers and Geraldine. We heard a couple of those "firecracker pops" and the sound of screaming. We all ran into the pantry. A scene out of — what? Television? This was a different kind of violence. Shakespeare? There was no poetry, no soaring rhetoric to mitigate the blood. And the blood was not red paint later to be washed off in the dressing room. "This mindless menace of violence which again stains our land," Kennedy had described it when it struck down Dr. King. Amidst the screaming and the pushing and the Oh-my-Gods! Bob had taken a few steps forward and then had fallen back on the cold stone floor.

Pete Hamill was directly in front of me and partly blocking my view so his description is clearer than mine, although my impression confirms what he saw: "The sonofabitch was standing there with one foot forward and his arm extended just like he was on a target range." (Note: This is what veteran reporter Hamill said as soon as we were able to regain any coherence.) The narrow pantry became a screaming bedlam of pain, terror, rage: "Look out! Sonuvabitch!" He's got a gun! He's shooting!" Shots went pop-pop-pop and now that we knew they were not firecrackers or popping ballons they sounded louder.

People were responding in conflicting ways—some moving back to escape the explosive possibilities, others moving in on the author of the crime; an obscene human traffic jam. The Gun was an undersized man dressed in slacks and sports shirt; looks Mexican was our first impression, but we remember thinking in the midst of mayhem, must be some crazy Mexican to shoot Bobby, Bobby would die for Chavez and his grape-pickers. Christ, maybe he is dying for Chavez.

Bob was lying on his back looking very sad, as if he knew, he already knew. One eye was opened, which seemed strange and foreboding, and his lips were moving but Pete, Booker and this witness were not close enough to hear. I was vaguely aware of Geraldine and Warren Rogers near my right shoulder.

Jimmy Breslin, the New York columnist, seemed a foot higher than everybody else, against the left wall. Was he standing on a box? The small assassin was charging forward in our direction, a quarterback sneak with a pistol instead of a ball and people were grabbing for him, "Get 'im! Get 'im! Stop the sonofabitch!" With others around me I made a lunge for him.

He was being pulled, tugged, cuffed, everybody screaming, Cursing.

A short brown employee turned to us hysterically, talking rapidly in a Latin accent: "I can't believe it, thirty seconds ago I was shaking hands with him, leaning over that counter and shaking hands, thirty seconds ago, and that little bastard, he's been hanging around in here for almost an hour, asking us if we thought the senator was coming through." He rattled on, repeating himself as all of us were doing. A lunatic Babel of a soundtrack is there to prove it.

The Difference

But here is the difference between the actual event and the tamed and ordered replaying of it at the trial half a year later. The same Mexican busboy who ran over to me in that first minute is on the stand, composed and naturally in awe of the proceedings. Yes, he says, he had seen the defendant in the pantry for some time before the shooting. Yes, the defendant had asked several times if Kennedy would be coming through. You see, this is one reason a Sirhan Trial is profoundly flawed. The busboy is telling the truth, but it no longer has the impact and the passion of the truth he had blurted out to us while Bob Kennedy was still lying there beginning to die from those long-range, hollow-nosed bullets, the most lethal type of ammunition that can be used in that .22.

Still, it was interesting that this witness did not say to us in that first, impressionable outburst, "I wonder who that little drunk was, in here drinking coffee and trying to sober up." Yet that was to be the story we would hear from Sirhan: so drunk was he from two or three Tom Collinses purchased at one of the other candidate's reception rooms that he was in an alcoholic stupor, unaware of where he was or even that he had squeezed the trigger when he emptied his revolver, firing into Bob Kennedy at point-blank range.

To buttress the "alcoholic wild beast" theory a psychologist was to testify later that he had served the defendant, in his cell, six ounces of gin in four Tom Collinses over a period of 16 minutes and that Sirhan "went berserk." Such are the wonders of modern law, all dolled up with forensic psychiatrists and their alcohol-induced medical tests. Said one reporter at the trial, "As a psychiatrist he makes a helluva bartender! One-and-a-half ounces

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per drink is like the good old days. Those highballs we were drinking at the Ambassador, we were lucky to be getting three-quarters of an ounce." So if Sirhan was buying those Ambassador Collinses, three ounces, not six, is the more likely intake, and those spaced over a much longer period than 16 minutes as the young killer wandered from room to room, talking with many people and offering to buy them drinks before going back for his gun and stationing himself in the pantry.

But to pick up the thread of our narrative on the night of June 4, the surest hands that grabbed the assailant belonged to Rosey Grier, the giant ex-linesman for the Rams, and Rafer Johnson, our decathlon champion, aided by George Plimpton, the celebarted mock-athlete who now found himself part of an impromptu but effective amateur police. As for the actual police, sometimes too much in evidence, now they were something less than Johnnies-on-the-spot. It seemed a nerve-wracking eternity that Rosey, Rafer, George and others held their slight, wiry prisoner on the metal serving table while Bob lay on the floor holding beads a young Irishman had offered him — not a priest, as reported next day. There was a priest and finally a doctor, but they came later, after Steve Smith and young Justice Department lawyer David Steiner made repeated appeals from the platform in the now hysterical atmosphere of the Ballroom.

To the credit of "Big Daddy" Unruh, he urged us to resist the temptation to strangle or stomp the assassin. "We don't want another Dallas." And the black superstars also displayed supreme cool in pinning the pint-sized gunman without seriously injuring him. So a group of reporters, this one included, had an opportunity to observe Sirhan for nearly half an hour. Like the busboys who had seen him lurking there before the attack, we did not think he was drunk. Neither did he seem to be in a trance.

At the trial George Plimpton was to testify that the defendant looked "purged." George is a friend of ours, but we must say he was indulging in a literary conceit, in flossy subjectivism to use "purged," a word that slick defense counsel Grant Cooper happily embraced in building his elaborate case that his client was in a trance, having "programmed" himself, through metaphysical Rosicrucian exercises, to execute the crime while mysteriously unaware that he was doing so. To the rest of us, Sirhan looked simply pinned-down, his eyes darting, frightened, intense, but hardly "purged." He reminded me of a rat I once encountered on the steps of my cellar. The rat stared at me and I stared at the rat, each of us afraid to move, both of us feeling equally trapped and threatened. A confrontation frieze.

When the police finally took over from the volunteer law-enforcers and Bobby was rolled and bounced to the waiting ambulance, a group of us followed him out and then gravitated upstairs to the Kennedy suite where we had been toasting the candidate's health less than an hour before. "It was my fault," Rosey Grier was sobbing, "I should have been in front of him." We tried to console him: "How do you defend against a man with a hidden revolver? If you're in front, he moves to the side. If you're at his side, he slips in behind —" But Rosey was too far gone in grief. It is hard to see a man that big, 300 pounds not fat but big, crying. And not like a baby, like a man who knows what he has lost.

It was as if he were sobbing for all of us. And while Rosey sobbed uncontrollably, George Plimpton was shaking visibly. Sitting near the bed with his head in his hands, Charles Evers was moaning, "Oh God, how many have to go, how many more, how many? Will it ever stop?" Next to him a young black man we had seen earlier in the ballroom: "You saw him. Was he black? Oh Jesus, I couldn't bear it if a brother ..." We said he looked brown, tan, and yet sallow, maybe from the Philippines ... "Because he was one of us," the young man said, barely hearing. "A black man with a white skin."

An hour passed. Plimpton, still shaking went to the hospital. Half a dozen people who had seen it happen huddled together for warmth. Friends kneaded Rosey's moose-like neck and shoulders in an effort not so much to relieve his agony as to express silent, futile sympathy. After he had been sobbing for perhaps two hours, he rose, swayed back and forth and then fell back on the bed with his eyes closed.

We were afraid he might be having a heart attack. A man mountain on the outside, a warm, emotional human being within, able to take 300-pound linesmen apart on the playing field, he had been undone by a 110-pounder with a gun that looked like a cap pistol. Dr. Ross Miller appeared. He was the black physician from Compton (near Watts) who had been one of the first to answer the call for a doctor in the pantry.

Rosey was all right, he said, it was just the strain. "If only I could have been between that bullet and the senator," Rosey had been saying in his unexpectedly small voice. And Charles Evers still sat with his head bowed almost to his knees, a dark supplicant for martyrs.

We stayed there until dawn, talking with fellow eye-witnesses, fellow mourners, too numb and dispirited to go home. And here another unanswered question is provoked. Maybe we have seen too many crime movies where the case-hardened detective is on the spot. You remember the line: "Nobody leave this room." In this case, one of the most catastrophic murders in American history, everybody left the room. Upstairs were a dozen eyewitnesses, many of them reporters, who had seen the gunning and the gunman at close range. Would it not have seemed S.O.P. for investigators to return to the Kennedy suite and question all the people there? There were a number who had been close enough to Sirhan to have been able to hear what he might have said during those critical 27 minutes before the police arrived. He said very little, but he did speak a few sentences. Apparently he did say, "I did it for my country." Would it not have been better—nay, essential!—to get the fresh and immediate observations of these eye-witnesses, instead of getting around to many of them months later when memories have to be reconstructed?

Mayor Yorty likes to claim that the L.A.P.D. is the most efficient police force this side of Scotland Yard. But failure to inspect Kennedy's own suite and to question the circle of friends who stayed on there for hours after the tragedy would indicate that the local force, while not sinking to the depths of Dallas, hardly deserves an A rating for its police work in the Ambassador Hotel that night. True, the computer at headquarters rapidly traced the murder weapon to Sirhan Bishara Sishan. But it is also true that they did not get around to some key observers for many months, if ever. Nor did the FBI. A good deal of telling evidence, some of which might have affected the very nature of the case, was never to have its day in court.

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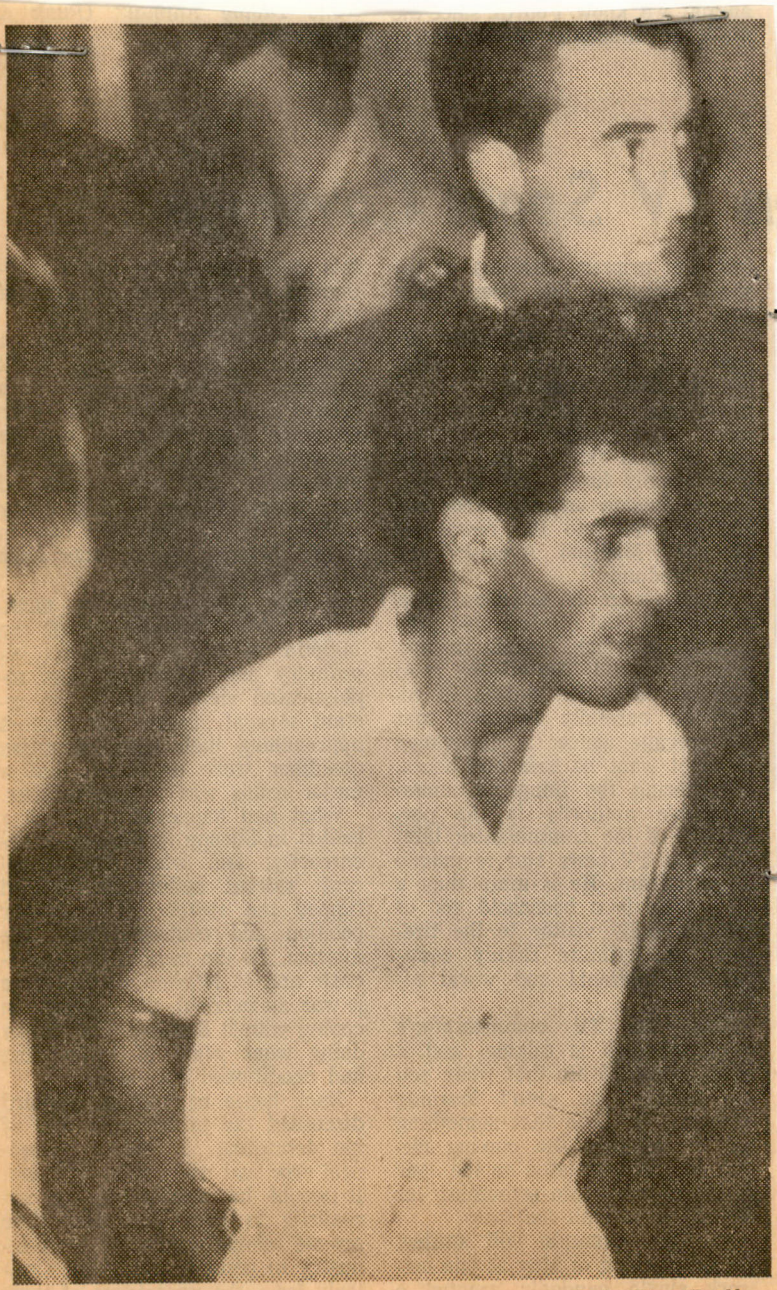
This Article

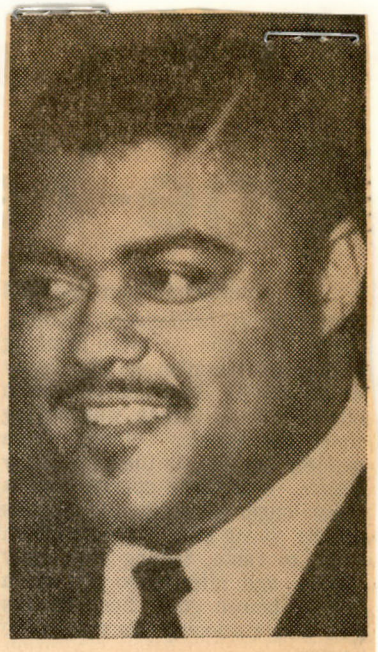
Budd Schulberg, one of America's most famous novelists and motion picture writers, also is a man of action. After the success of such novels as "What Makes Sammy Run" and "The Disenchanted" and the movie "On the Waterfront," he became the director of a nationally noticed writers' workshop in the Watts area of Los Angeles and, still later, a worker in behalf of the candidacy of Robert F. Kennedy for the presidential nomination.

Senator Kennedy was a close friend of Schulberg's and the writer was with him at the time of his assassination. He has now written his personal story of that tragedy and this is the first of two articles. The second, which will appear on these pages next week, will recount some vivid impressions of the Sirhan trial and make some revolutionary proposals for dealing with the growing politics of assassination.



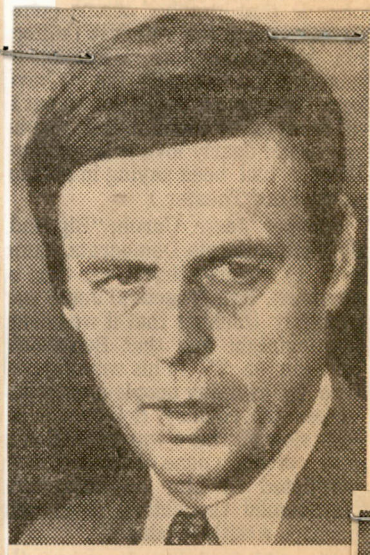
—Dallas Times Herald

Sirhan Bishara Sirhan is disarmed shortly after the shooting.



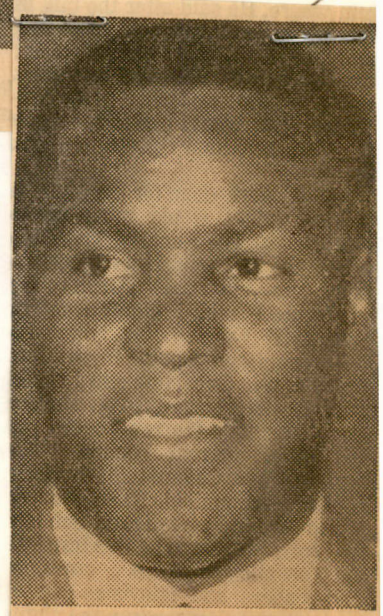
ROOSEVELT GRIER

Athlete on the Scene



GEORGE PLIMPTON

Visibly Shaken



RAFER JOHNSON

Helped Contain Sirhan

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—Associated Press

A television news film photograph of the late Sen. Robert F. Kennedy moments after he was shot.

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Around the Nation A-12

Prosecutor Is Doubtful On Sirhan's Execution

LOS ANGELES—District Attorney Evelle J. Younger said yesterday that the case of Sirhan Bishara Sirhan would be in appeals courts for years, and he implied that he doubted that the assassin of Robert F. Kennedy would be executed.

Grant B. Cooper, who headed the team of defense attorneys for Sirhan, filed a notice of appeal yesterday.

Younger called a news conference to make the declaration that his office was thoroughly satisfied that no one except Sirhan was involved in the assassination.

Younger said he was certain that would not lay the matter to rest, but his office and police had followed up thousands of leads and removed any question of conspiracy.

Meanwhile, in Baltimore, Arthur J. Goldberg, former Ambassador to the United Nations, said he made a plea for clemency for Sirhan in a letter sent yesterday to California Gov. Ronald Reagan.

Payment Clarified

NEW YORK—Officials of the United Methodist Church, emphasizing that they have offered no funds to a movement led by Black militant James Forman, called for a Church-wide emergency meeting of the denomination's leadership to consider stepped-up expenditures to improve the status of blacks.

The call was issued in the wake of a special session of the executive committee of the church's Board of Missions, which voted Tuesday to commit $1.3 million for "a program of economic empowerment of black people."

It was specified that the money is "to be administered by black members of the Board and black bishops," but officials said there apparently was a widespread misrepresentation about this provision among Methodists across the country.

Meanwhile in Atlanta, a United Methodist Church committee voted to ask 60 bishops across the Nation to accelerate efforts to raise a $20-million Fund for Reconciliation for the benefit of black people and the poor.

Nebraska Bill Vetoed

LINCOLN, Neb.—A bill that would have permitted Nebraskans to use "any means necessary" to protect themselves and others from criminal acts was vetoed by Gov. Norbert T. Tiemann.

Tiemann said the measure would encourage the use of private force and "is most inappropriate at this time when Nebraskans are most concerned with the rising level of violence."

Student Strippers

MONTEZUMA, Iowa—Public nudity received a dressing down here when eight Grinnell College students—five girls and three boys—were found guilty of indecent exposure after they held a "strip-in" in what they said was a protest of Playboy magazine's exploitation of sex.

A jury of eight women and four men deliberated 2½ hours before returning the guilty verdict, which could result in a six-month jail term or a $200 fine for each defendant. District Judge R. G. Yoder set June 20 as the date for sentencing.

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File 6-1

The Washington Post
Times Herald A-12
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

Date MAY 29 1969

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FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

No Evidence of Plot Found in Kennedy Slaying

Conclusion Disclosed by Younger After Intense Inquiry by Authorities

BY RON EINSTOSS
Times Staff Writer

There is no credible evidence to support a conspiracy theory in the assassination of Sen. Robert F. Kennedy, Dist. Atty. Evelle J. Younger said Wednesday.

He also labeled as "absurd" defense charges that his office reneged on an agreement not to seek the death penalty for Sirhan B. Sirhan and he described as "over-kill" defense psychiatric testimony during the trial.

Law enforcement agencies, including the Los Angeles police, FBI and his office, reached the conclusion that there was no conspiracy on the basis of more than 4,000 interviews of possible witnesses to any of the events which might have had some bearing on the slaying, Younger explained.

Younger made the statement at the first formal press conference he has held on the matter since shortly after Sen. Kennedy was shot June 5 by Sirhan. He said he could not comment on the case until now because of a court-imposed "gag" order.

Possibility Studied Immediately

Sirhan was sentenced to death a week ago today by Superior Judge Herbert V. Walker.

Younger said the possibility that Sirhan was "a member of a conspiracy whose objectives were not satisfied by the elimination of one political leader became a concern immediately following the shooting of Sen. Kennedy.

No possible avenue of information, he said, was considered unworthy of investigation. Every allegation of a possible conspiracy was investigated in depth and will continue to be as they arise in the future, Younger added.

He noted that the information presented during the trial by both the prosecution and defense did not exceed 2% of the combined work product of the police and FBI investigators.

So that any doubting members of the public can satisfy themselves with the finding that Sirhan acted alone. A full disclosure of the results of the investigation will be made available "now that the constitutional rights of (Sirhan)" cannot be jeopardized by publicity, Younger said.

Duplicate copies of all documentary and photographic evidence will be available in the county clerk's criminal division located in the Hall of Justice, he revealed.

Police Chief Roger Murdock, according to Younger, also has agreed that "the interest of the public in law enforcement" can best be served by a full disclosure of all aspects of the investigation conducted by a special task force of police detectives.

Plea Bargaining Explained

The Los Angeles Police Department, he said, has "literally tons of information" in its files, all of which will be available for public review "to the fullest extent that security precautions and administrative resources will permit."

Commenting on the prosecution of Sirhan, Younger said, "It proved that our system of justice works."

The prosecution was willing to enter into so-called plea-bargaining negotiations early in the case, Younger explained, because at that time "it was my opinion and that of highly competent men on my staff" that the jury would not render a death verdict.

This, he said, was based primarily on the findings of the prosecution psychiatrist.

They did not at the time have the complete reports of defense psychiatrists and had no way of knowing then that defense psychiatric testi-

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Mr. Casper
Mr. Callahan
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Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

FILE
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Date: 5/29/69
Edition: Home
Author: Ron Einstoss
Editor: Nick B. Williams
Title: Kensalt

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Classification: 56-156
Submitting Office: Los Angeles

☐ Being Investigated

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mony—which he said included "far-reaching and absurd propositions"—would turn out to be as disastrous as it was, he said.

Younger said the jury arrived at the proper verdict and he committed his office to doing all it could to sustain the death penalty in the case.

It was not unusual for the prosecution to contact the Kennedy family regarding the handling of the case, Younger said, because his deputies often consult with interested parties, particularly the families of victims, to determine how they will react to proposed dispositions.

He said he believed it is a good policy to allow members of a victim's family to express their opinion on the outcome of any case in which they have an interest.

Asked if he thought Sirhan would ever be executed, Younger replied, "You know the track record on that as well as I do."

He said, however, that he did not anticipate that the appellate courts would find any deficiency in either the trial or the conviction of Sirhan.

In answer to a question regarding the role of former Coroner Thomas Noguchi in the case, Younger said he is satisfied that the autopsy on Sen. Kennedy was conducted in a proper manner.

The problems and pressures incident to the successful prosecution of Sirhan in many respects were without parallel in the history of American jurisprudence, according to Younger.

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6-25 (Rev. 7-27-67)

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SIRHAN 5/20 HC 3

NIGHT LD

LOS ANGELES (UPI)--SIRHAN B. SIRHAN WILL BE FORMALLY SENTENCED WEDNESDAY FOR THE MURDER OF SEN. ROBERT F. KENNEDY AND THEN WHISKED AWAY, PROBABLY WITHIN A FEW DAYS, TO DEATH ROW IN SAN QUENTIN PRISON.

A JURY DECREED THAT THE 25-YEAR-OLD ARAB IMMIGRANT DIE IN THE GAS CHAMBER FOR THE ASSASSINATION OF THE SENATOR AFTER A THREE AND ONE-HALF MONTH TRIAL.

SUPERIOR COURT JUDGE HERBERT V. WALKER HAS THE CONSTITUTIONAL AUTHORITY TO REDUCE THE SENTENCE TO LIFE. THE CHANCE OF THAT HAPPENING WAS CONSIDERED NIL. DURING HIS YEARS ON THE BENCH, WALKER HAS NEVER PASSED ANYTHING OTHER THAN A DEATH PENALTY FOR A CAPITAL OFFENSE ALTHOUGH HE DID LATER REDUCE ONE SENTENCE TO LIFE.

BEFORE SENTENCING, WALKER WILL HEAR ARGUMENTS BY CHIEF DEFENSE COUNSEL GRANT B. COOPER FOR A NEW TRIAL FOR THE ONE-TIME RACE TRACK EXERCISE BOY WHO KILLED KENNEDY IN THE AMBASSADOR HOTEL JUNE 5.

COOPER'S MAIN ARGUMENT WILL BE THAT WALKER ERRED IN REFUSING TO ACCEPT A PROSECUTION-DEFENSE "DEAL" UNDER WHICH SIRHAN WOULD PLEAD GUILTY TO FIRST DEGREE MURDER IN RETURN FOR A LIFE SENTENCE.

THE DEFENSE ALSO WILL CONTEND THAT THE PROSECUTION ILLEGALLY SEIZED DIARY NOTEBOOKS IN SIRHAN'S HOME IN WHICH THE DEFENDANT WROTE OF HIS INTENT TO ASSASSINATE KENNEDY. AFTER THE TRIAL, JURORS SAID IT WAS ONE OF THE PRINCIPAL BITS OF EVIDENCE SHOWING PREMEDITATION.

WALKER IS EXPECTED TO DENY THE NEW TRIAL MOTION IMMEDIATELY.

THE DEATH SENTENCE THEN GOES AUTOMATICALLY TO THE CALIFORNIA STATE SUPREME COURT FOR REVIEW. IF IT IS UPHELD, COOPER HAS PLEDGED TO BEGIN A SERIES OF APPEAL ACTIONS ALL THE WAY TO THE U.S. SUPREME COURT.

THAT WILL UNDOUBTEDLY REQUIRE SEVERAL YEARS AND THERE IS REASON TO BELIEVE SIRHAN WILL NEVER BE EXECUTED. AMONG OTHER THINGS, THERE IS A DRIVE IN THE LEGISLATURE TO OUTLAW CAPITAL PUNISHMENT.

THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT WAS EAGER TO GET RID OF SIRHAN AS QUICKLY AS POSSIBLE.

THE TINY JORDANIAN HAS BEEN HELD UNDER MAXIMUM SECURITY IN A 13TH FLOOR CELL SINCE HIS ARREST AND DURING THE TRIAL. HIS MEALS WERE ESPECIALLY PREPARED FOR HIM AND GUARDS WATCHED HIM DAY AND NIGHT.

A SPOKESMAN DECLINED TO SAY WHEN SIRHAN WOULD BE MOVED TO SAN QUENTIN OR HOW. IT WAS EXPECTED HE WOULD BE TRANSFERRED WITHOUT NOTICE AND UNDER HEAVY GUARD TO THE PRISON 15 MILES NORTH OF SAN FRANCISCO OVERLOOKING THE BAY NEAR THE GOLDEN GATE BRIDGE.

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FOR MR. TOLSON

56 MAY 26 1969

WASHINGTON CAPITAL NEWS SERVICE

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PRISON AUTHORITIES HAVE TAKEN SEVERE MEASURES TO TRY TO INSURE THAT NO ATTEMPT ON SIRHAN'S LIFE CAN BE MADE BY OTHER PRISONERS.

HE WILL BE ASSIGNED A CELL IN "DEATH ROW NUMBER ONE" ON THE SIXTH FLOOR ABOUT 125 FEET FROM THE APPLE GREEN GAS CHAMBER. SIRHAN WILL OCCUPY THE NEXT TO LAST CELL IN A ROW OF 30 WITH THE TWO ADJACENT CELLS EMPTY.

A SCREEN WILL FENCE THE OUTSIDE HALLWAY FOR THE THREE CELLS SO THAT HE WILL BE ABLE TO EXERCISE WITHOUT COMING IN CONTACT WITH OTHER DEATH ROW INMATES.

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FOR MR. TOLSON

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280A
BELLI 5/9 HC 746
TUCSON, ARIZ. (UPI)--ATTORNEY MELVIN BELLI, WHO DEFENDED JACK RUBY, SAID FRIDAY HE HAS BEEN INVITED TO HANDLE CONDEMNED KILLER SIRHAN B. SIRHAN'S APPEAL OF HIS MURDER CONVICTION IN THE DEATH OF SEN. ROBERT F. KENNEDY.
THE FLAMBOYANT SAN FRANCISCO ATTORNEY SAID, "THEY'VE (SIRHAN'S FAMILY) CONTACTED ME BEFORE. THEY WANT ME TO DO THE APPEAL."
BELLI DEFENDED RUBY AT HIS TRIAL FOR THE MURDER OF LEE HARVEY OSWALD, THE ASSASSIN OF KENNEDY'S BROTHER, PRESIDENT JOHN F. KENNEDY, WHO WAS SLAIN IN DALLAS NOV. 22, 1963.
IN PASADENA, CALIF., SIRHAN'S MOTHER, MARY, SAID OF BELLI'S STATEMENT: "I CAN'T COMMENT BECAUSE I DON'T KNOW THAT MUCH ABOUT IT."
GRANT COOPER, CHIEF DEFENSE COUNSEL DURING SIRHAN'S TRIAL, SAID IN LOS ANGELES HE KNEW NOTHING ABOUT BELLI ENTERING THE CASE.
BELLI SAID HE WAS GOING TO PASADENA TO MEET WITH SIRHAN'S FAMILY.
"THEY'RE NICE QUIET LITTLE PEOPLE," HE SAID. "IT'S HARD TO IMAGINE THEY HAD A SON WHO SHOT ROBERT KENNEDY."
ALTHOUGH SIRHAN'S MOTHER LIVES IN PASADENA, HIS FATHER IS IN PALESTINE AND HAS BEEN FOR A NUMBER OF YEARS.
IF SIRHAN IS GRANTED A NEW TRIAL, BELLI SAID "THERE'S ALWAYS BOUND TO BE A LOT OF STUFF THAT'S GOING TO COME OUT ABOUT THE DALLAS ASSASSINATION."
SIRHAN WAS CONDEMNED TO THE GAS CHAMBER APRIL 23 BY THE SAME FIVE-WOMAN, SEVEN-MEN LOS ANGELES JURY THAT EARLIER CONVICTED HIM OF FIRST DEGREE MURDER IN THE DEATH OF KENNEDY. THE SENATOR WAS SHOT DOWN IN THE AMBASSADOR HOTEL IN LOS ANGELES EARLY LAST JUNE 5, MINUTES AFTER HE HAD CLAIMED VICTORY IN THE CALIFORNIA DEMOCRATIC PRESIDENTIAL PRIMARY.
BELLI SAID SIRHAN WAS MENTALLY UNBALANCED AND ADDED, "SIRHAN'S NOT GOING TO DIE."
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FOR MR. TOLSON

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WASHINGTON CAPITAL NEWS SERVICE

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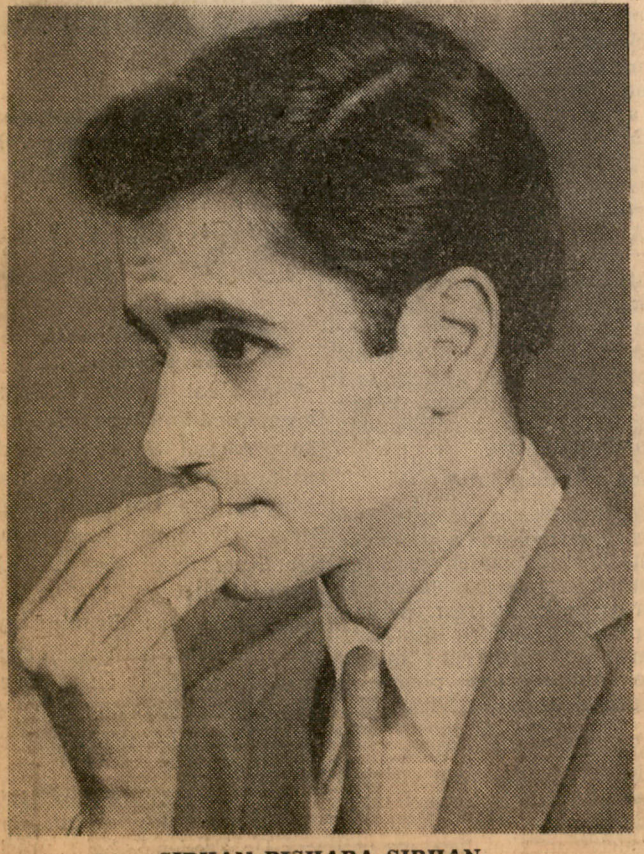
Jurors Decree Death for Sirhan In RFK Slaying



SIRHAN BISHARA SIRHAN
... "Even Jesus Christ couldn't have saved me."

Judge Delays Sentencing Pending Plea

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, April 23 —For the murder of one "Robert Francis Kennedy, a human being," a haggard jury decreed today that Sirhan Bishara Sirhan should die in the gas chamber at San Quentin State Prison.

The paranoid assassin, who shot Kennedy down at the high point on his quest for the presidency, took the verdict calmly.

"Even Jesus Christ couldn't have saved me," Sirhan told his lawyers. However, the death verdict can still be reduced to life imprisonment at the Superior Court Judge Herbert V. Walker. The judge put off sentencing until the 25-year-old Jordaman immigrant's lawyers submit a motion for a new trial. A hearing was set for May 14.

The jurors signaled a waiting courtroom full of guards, lawyers and newsmen at 11:04 a.m. after more than 11½ hours of deliberations over three days.

The Washington Post
Times Herald A-1
The Washington Daily News
The Evening Star (Washington)
The Sunday Star (Washington)
Daily News (New York)
Sunday News (New York)
New York Post
The New York Times
The Sun (Baltimore)
The Daily World
The New Leader
The Wall Street Journal
The National Observer
People's World
Examiner (Washington)

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A buzzer from the jury room rasped twice and then, after a hesitant pause, a third time, the code for a verdict.

A sheriff's deputy hurried upstairs to Sirhan's windowless cell on the Hall of Justice's 13th floor and told a guard, Frederick Davis, to alert him.

Clad in T-shirt and undershorts, Sirhan was staring into a polished steel mirror, combed his hair.

Davis told him a verdict was coming. He said, "Okay," put on a pair of black slacks and blue shirt, and was led downstairs. According to one of his lawyers who saw him earlier, Sirhan had been expecting the death penalty.

Sirhan showed no sign of it as he entered the antiquated courtroom, chewing gum. Grinning jauntily, he took his seat and began chatting with defense counsel Russell Parsons.

Head bowed, chief defense counsel Grant B. Cooper waited with a disconsolate look on his face.

"The weak ones crumbled—just like the first time," he said of the jurors who convicted Sirhan of first-degree murder last week.

Judge Walker settled himself at the bench, put a microphone around his neck and called the jurors in at 11:34 a.m. They filed to their seats with tired, solemn expressions.

Jury Foreman Bruce D. Elliott, a 29-year-old systems analyst with a Ph.D. in engineering, stood up and turned in the verdict on a slip of paper. Judge Walker's Japanese-American clerk read it aloud, the conclusion of Case A-233-421:

See SIRHAN, A4, Col. 4

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SIRHAN, From A1

"We, the jury in the above-entitled action, having found the defendant, Sirhan Bishara Sirhan, guilty of murder in the first degree as charged in Count One of the indictment, now fix the penalty at death."

The verdict came against a backdrop of psychiatric testimony that Sirhan was mentally ill. But the verdict was one that American juries have unfailingly exacted for assassinations, and attempted assassinations involving other deaths, of major politicians—from President James Garfield to Harry S. Truman.

Newsmen rushed to waiting phones outside, their shouts of "death . . . death . . . death" bouncing back into the courtroom as Mrs. Nishikawa began polling each of the seven men and five women on the jury. Sirhan sat still, looking almost indifferent, still chewing his gum.

One by one, the jurors voiced their approval, some loudly, some softly. One, Ruth A. Stillman, clasped her hand to her face.

"It's unanimous," the judge said. "record the verdict."

Mrs. Nishikawa lifted a heavy rubber stamp and brought it down with a loud thump. It had required only six minutes out of a trial that had taken up 66 days in courtroom sessions since Jan. 7.

Sirhan, who once testified that he was "willing to die" for the Arab cause, was promptly led to the "holding tank" adjacent to the armor-plated courtroom. He nodded reassuringly at Parsons as he left.

The defense lawyers huddled with him there minutes later. Cooper and defense investigator Michael McCowan came out with tears in their eyes.

"I told him we had done the very best we could," Cooper said at the press conference. "He said, 'don't be concerned. Even Jesus Christ couldn't have saved me.' "

Sirhan's brother, Adel, 30, was the only member of the family in the courtroom. Shaken by the prospect of the death penalty for her son, his 56-year-old mother, Mary, secluded herself at her home in Pasadena.

"I tried to call her, but I couldn't get through," Adel Sirhan said unhappily. "The phone was busy."

Chief prosecutor Lynn D. Compton said it was impossible to tell whether Sirhan would ever actually be executed in light of the growing trend away from the death penalty in California and elsewhere.

"I wouldn't look for it in the near future; let's put it that way," he said.

No one has been sent to the gas chamber at San Quentin since April 12, 1967, when Aaron Mitchell of Sacramento was put to death for killing a policeman.

Despite this, Compton said he felt "a great majority of the American public favors capital punishment. And if they do, then I think this is the kind of case to invoke it."

Deputy District Attorney David N. Fitts, the Stanford-educated lawyer who handled most of the courtroom work for the prosecution, said he felt Sirhan's defense faltered and perhaps fell apart because of the psychiatric testimony.

"I hope it would be less suspect in future cases," he said.

Asked where he thought it suspect, Fitts shot back: "You heard it."

Defense psychologists and psychiatrists claimed that Sirhan shot Kennedy in a hypnotic trance, "knowing next to nothing of what he was doing."

Apparently skeptical of some of the psychiatric claims himself, Cooper wound up by arguing simply for a second-degree murder verdict, claiming that Sirhan was at least too twisted and immature to have been capable of cold-blooded, "meaningful" premeditation.

Sirhan claimed that his "love" for the New York Senator and Democratic presidential candidate turned to hate when he learned of Kennedy's support of Israel, especially his advocacy of U.S. Phantom jets for the Jewish nation.

Should Judge Walker sentence the dark-eyed assassin to death, an appeal direct to the California Supreme Court would be automatic. Cooper said he intended to press it despite earlier plans to withdraw from the case. He has been serving without fee and has put up several thousand dollars of his own money to cover expenses.

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The Washington Daily News
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Daily News (New York)
Sunday News (New York)
New York Post
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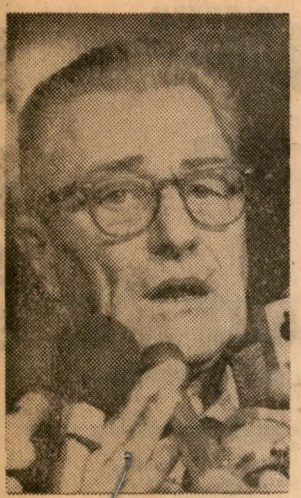
Trial to Determine Sirhan's Sentence To Begin Monday



United Press International

ATTORNEY COOPER
. . . silent on Sirhan strategy

By George Lardser Jr.
Washington Post Staff Writer

LOS ANGELES, April 18—Sirhan Bishara Sirhan goes on trial again Monday with his life hanging in the balance and his lawyers keeping their strategy to themselves.

Convicted of first-degree murder Thursday for killing Sen. Robert F. Kennedy, Sirhan is now entitled under California law to a fresh trial before the same jurors before any penalty is fixed.

They have only two choices: life imprisonment or death in the gas chamber.

Could Impanel New Jury

Should they beomce deadlocked, Superior Court Judge Herbert V. Walker could impanela new jury or he could take charge himself and give the frail-looking immigrant a life term. He could not sentence Sirhan to death.

The penalty trial is expected to go to the jury by Tuesday at the latest.

Chief Defense Counsel Grant B. Cooper has so far refused to disclose the witnesses he plans to call for fear, he said, of tipping his hand to the prosecution.

The State's own chief psychiatrist, Dr. Seymour Pollack, had offered to testify for the defense against a death penalty.

Cooper, however, has indicated that he intends simply to cite Dr. Pollack's statement since the psychiatrist has already said as much from the witness box.

State's Argument

The State will call no witnesses. Prosecutor John Howard said he expects to present only a 20-minute argument and then rest.

Should the verdict be death, Judge Walker could reduce it to life. The Judge has, however, done this only once before out of some 20 opportunities.

Should the verdict be life, Sirhan would be sent, probably within several weeks, to Vacaville, the State's maximum security prison and mental hospital near Sacramento.

Technically, he would be eligible for parole in seven years. Prison officials say he would probably be kept behind bars far longer.

Average Prison Term

The first-degree lifers released from California prisons in 1968 served an average of 12.1 years. But, state prison spokesmen add, there are also another 50 inmates who have all been confined for 20 years or more. One has been behind bars for 51 years.

[In Israeli-occupied Jordan, Sirhan's father was quoted today by United Press International as saying, "I expected more from American democracy than this . . . Because the United States took this step against Sirhan, that means America will lose its standing before the Arabs and the world . . . All of the Arab countries are with Sirhan, they will kill more American leaders because America does this to this peaceful, good educated boy."]

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The Sirhan Verdict

IT would have been an incredible miscarriage of justice if the jury in the Sirhan Sirhan case had returned any other verdict than it did — murder in the first degree.

There never was any doubt at all that Sirhan assassinated Sen. Robert F. Kennedy. The act was seen by many, he was caught on the spot with a gun in his hand.

A verdict of either second degree murder or manslaughter would have been wholly disproportionate because there were no mitigating circumstances — it was cold-blooded, deliberate murder.

Sirhan may be some kind of a nut. He had to be to commit the crime. But he was calculatingly dangerous and letting him back into society ever would be an appalling crime in itself.

One of the defense lawyers pleaded with the jury to bring in a lesser verdict so that everybody in the Arab world and elsewhere would know "that a man can get justice in America."

Anything less than the maximum verdict would have told the world that a fanatic could kill anybody, without reason, and get away with it in America.

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Prosecution Won't Press for Death Sentence

Sirhan Guilty: 1st Degree

LOS ANGELES, April 18 (UPI) — The prosecution in the trial of convicted murderer Sirhan B. Sirhan will tell the jury it is up to them to decide what happens to political assassins.

"We have no precedent in this country for what the appropriate penalty should be for political assassins," chief prosecutor Lynn Compton told newsmen yesterday, minutes after the jury found Sirhan guilty of first degree murder in the death of Sen. Robert F. Kennedy.

Mr. Compton said the prosecution would not ask directly for the death sentence in a separate trial starting Monday, but would tell the jurors their consciences must be their guides in determining if Sirhan gets life imprisonment or death in San Quentin's gas chamber.

17 HOURS

The panel of seven men and five women reached a first degree murder verdict yesterday after nearly 17 hours of deliberations.

The jurors interrupted their discussions only once, to return to the courtroom late Wednesday for a clarification of the judge's instructions concerning second degree murder.

The request triggered speculation that at least one juror had held out for the lesser charge.

Sirhan took the verdict stoically, staring straight ahead, but his attorneys said he was disappointed.

Dep. Dist. Atty. John Howard said the prosecution on Monday would stress Sirhan's apparent lack of remorse and would ask the jury to consider "the effect on the democratic process of political assassinations."

"I can't imagine any jury hearing this case and not considering that the motive for the crime was political assassination," Mr. Howard said.

The defense will ask the jury to reconsider psychiatric testimony that Sirhan was mentally crippled and unable to consider the consequences of his actions.

"Obviously we don't think the death penalty is proper," chief defense lawyer Grant Cooper said. This is the act of a sick mind."

Mr. Cooper had no regrets about the psychiatric angle used by the defense.

"I don't know of any other way we could have tried it," he said. "We did the best we could and we lost. That's all."

He said regardless of the penalty, there "probably" would be an appeal. All death sentences are automatically appealed to the California Supreme Court.

TEARS

The jurors were grim-faced when they returned to the courtroom, and one, Nells Borbells, appeared near tears. Foreman Bruce Elliott had two bright spots of red color in his cheeks when he rose to hand sheafs of paper bearing the verdict to the bailiff.

The courtroom was filled with newsmen and sheriff's deputies when the verdict was read.

Mrs. Mary Sirhan, the defendant's mother, remained in her Pasadena home and received news of the verdict from United Press International.

She and her sons, Adel, 30, and Munir, 21, wept. Adel appeared in court for the afternoon session but said Munir "stayed home to take care of our mother. She is taking it badly, very badly."

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Sirhan's Conviction

There was, of course, never any question of guilt or innocence, as those terms are generally used, in the trial of Sirhan B. Sirhan for the assassination of Senator Robert F. Kennedy last June 5. The only real question was whether or to what extent he was mentally responsible for his act.

A Los Angeles jury, after deliberating for nearly 17 hours, has now resolved this by returning a verdict that Sirhan is guilty of murder in the first degree. All that remains is for the same jurors to meet again next week to determine whether the penalty he should pay will be death in the gas chamber or life imprisonment.

Counsel for Sirhan focused their efforts on trying to persuade the jury that the assassin was guilty of nothing more than murder in the second degree under the doctrine, not recognized as such in Washington, of "diminished responsibility." Under that doctrine the jury might have found that Sirhan's mental capacity was so impaired by mental illness, intoxication, or a combination of the two, that he was incapable of shooting Senator Kennedy with what is known in the law as "malice aforethought," and that therefore he was guilty only of murder in the second degree. This argument must have made an impression on some of the jurors, for the jury returned to the courtroom Wednesday to have the trial judge read to them again his instructions on what constitutes second degree murder in California. Whatever doubts the jurors may have entertained apparently were dispelled by this second reading, for the first-degree finding came a few hours later.

A verdict of guilty in the second degree would not have been wholly surprising. Nevertheless, the evidence produced by the prosecution during the 15-week trial adequately supports the jury's finding.

The prevailing opinion among those who have been following the trial closely is that the jury will not impose the death penalty, and that if it should do so the death sentence will never be carried out. Certainly the trend in death penalties is in this direction. Should the jury decide on life imprisonment, Sirhan under California law would be eligible for parole in seven years. This would be a grossly inadequate punishment. But eligibility for parole is one thing, parole itself is something else. To say the least, it seems most unlikely that the authorities who have discretion to grant or not grant parole would unlock Sirhan's cell door after he had spent a mere seven years behind bars.

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(SIRHAN)

LOS ANGELES--SIRHAN B. SIRHAN'S MIND WAS WARPED BY THE HORRORS OF ISRAELI-ARAB WARFARE IN HIS NATIVE PALESTINE AND BY OTHER CHILDHOOD EXPERIENCES AND HE CANNOT BE HELD FULLY RESPONSIBLE FOR THE KILLING OF SEN. ROBERT F. KENNEDY, HIS ATTORNEYS ASSERTED TODAY.

SUMMING UP THE DEFENSE CONTENTION OF "DIMINISHED MENTAL CAPACITY"--A CONDITION NOT AS SEVERE AS INSANITY--COUNSEL ELILE ZOLA BERMAN SAID SIRHAN THOUGHT HE HAD SUPERNATURAL POWERS AND WAS "A BIG NO. 1 MAN WHEREAS THE FACT WAS HE WAS A SICK LITTLE BOY."

BERMAN AND RUSSELL E. PARSONS BEGAN THE FINAL ARGUMENT IN DEFENSE OF THE 25-YEAR-OLD DEFENDANT, SEEKING TO PERSUADE A JURY OF SEVEN MEN AND FIVE WOMEN HE SHOULD NOT BE SENTENCED TO DEATH IN THE GAS CHAMBER.

SIRHAN APPEARED COMPOSED WHILE THE ATTORNEYS VOICED THEIR DEFENSE. HE SOMETIMES SMILED CONDESCENDINGLY WHEN THEY DESCRIBED HIM AS MENTALLY ILL.

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SIRHAN 4/6 HC
NIGHT LD
BY JOSEPH A. ST. AMANT

LOS ANGELES (UPI)--AFTER 14 WEEKS AND 89 WITNESSES, SIRHAN B. SIRHAN'S MURDER TRIAL WILL GO TO THE JURY THIS WEEK. THEN, THE PANEL OF SEVEN MEN AND FIVE WOMEN IS EXPECTED TO AGREE WITH THE DEFENDANT'S OWN CONTENTION THAT HE KILLED SEN. ROBERT F. KENNEDY.

THE TINY ARAB IMMIGRANT HAS ADMITTED HE KILLED THE NEW YORK SENATOR "FOR MY COUNTRY." IN FEBRUARY, DEFENSE COUNSEL GRANT B. COOPER TOLD A PROSPECTIVE ALTERNATE JUROR, "WE DO NOT EXPECT A NOT GUILTY VERDICT."

WHAT THE DEFENSE DOES EXPECT IS THE JURY'S DECISION TO SPARE SIRHAN FROM THE SAN QUENTIN GAS CHAMBER. THE PENALTY PHASE OF THE TRIAL WILL BEGIN IMMIEDIATELY AFTER A VERDICT IS RETURNED.

IF SIRHAN GETS A LIFE SENTENCE, CALIFORNIA LAW COULD ALLOW HIM TO APPLY FOR PAROLE IN SEVEN YEARS. HOWEVER, COOPER FRIDAY DISMISSED THIS POSSIBILITY BECAUSE OF STRONG ANTI-SIRHAN SENTIMENT.

"I THINK AMERICAN PUBLIC OPINION WILL SEE TO IT THAT HE SERVES HIS LIFE IN PRISON," HE SAID.

THE STATE RESTS ITS CASE AFTER MONDAY'S FINAL WITNESS. THE JURY WILL HEAR CLOSING ARGUMENTS TUESDAY, WEDNESDAY AND THURSDAY.

THE PROSECUTION, WHICH WILL HAVE CALLED 60 WITNESSES BEFORE THE $1 MILLION TRIAL IS OVER, HAS ARGUED THE 25-YEAR-OLD SIRHAN WAS INTELLECTUALLY CAPABLE OF PLOTTING THE ASSASSINATION OF KENNEDY. BUT ITS STAR PSYCHIATRIC WITNESS, OFTEN FLUSHED AND SHOUTING, RAN INTO TROUBLE LAST WEEK.

DR. SEYMOUR POLLACK WAS ACCUSED OF TRYING TO MINIMIZE A FEB. 5 REPORT IN WHICH HE SAID SIRHAN WAS "SUFFERING FROM A BORDERLINE SCHIZAPHRENIA WITH PARANOID AND HYSTERICAL FEATURES.

"SHOULD A CONVICTION OF MURDER OF THE FIRST-DEGREE BE OBTAINED, I HOPE THAT SIRHAN IS ABLE TO AVOID THE DEATH PENALTY AND IS SENT FOR TREATMENT TO THE CALIFORNIA MEDICAL FACILITY AT VACAVILLE," HE WROTE.

A SUBSEQUENT REPORT BY POLLACK, AFTER JUDGE HERBERT V. WALKER REJECTED AN AGREEMENT TO CHANGE SIRHAN'S PLEA TO GUILTY OF FIRST-DEGREE MURDER AND ACCEPT A LIFE PRISON TERM, DESCRIBED SIRHAN'S MENTAL CONDITION IN MUCH SOFTER LANGUAGE.

BUT THE DOCTOR STUCK TO HIS OPINION THAT THE DEFENDANT COULD "MEANINGFULLY AND MATURELY" DELIBERATE THE ASSASSINATION. AND HE SAID HE WAS ACCEPTED AS A WITNESS BY THE PROSECUTION, WHICH KNEW "FULL WELL HOW STRONGLY OPPOSED I AM TO CAPITAL PUNISHMENT."

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SIRHAN 4/5 NX
DAY LD
BY JACK V. FOX

LOS ANGELES (UPI)--IF SIRHAN B. SIRHAN GETS A "LIFE" SENTENCE FOR THE SLAYING OF ROBERT F. KENNEDY, HE WOULD TECHNICALLY BE ABLE TO APPLY FOR PAROLE IN SEVEN YEARS.

WITH JUST A WEEK TO GO BEFORE THE CASE GOES TO THE JURY, THE ODDS ARE THAT HE WILL GET LIFE, WHICH IN CALIFORNIA ACTUALLY MEANS 10 YEARS TO LIFE. WITH TIME OFF FOR GOOD BEHAVIOR IT CAN BE SHAVED TO SEVEN YEARS.

DEFENSE ATTORNEY GRANT COOPER TOLD NEWSMEN FRIDAY BEFORE THE TRIAL RECESSED FOR THE WEEKEND THAT HE THOUGHT THERE WAS NOT THE SLIGHTEST CHANCE SIRHAN WOULD BE RELEASED AFTER A RELATIVELY SHORT PRISON TERM.

"I THINK AMERICAN PUBLIC OPINION WILL SEE TO IT THAT HE SERVES HIS LIFE IN PRISON," COOPER SAID.

THE PROSECUTION HAD ONLY ONE MORE WITNESS TO CALL MONDAY BEFORE THE STATE RESTS ITS CASE. HE IS A PSYCHOLOGIST AND IS EXPECTED TO BE ON THE STAND ONLY BRIEFLY.

CLOSING ARGUMENTS BY BOTH SIDES ARE EXPECTED TO TAKE UP TUESDAY, WEDNESDAY AND THURSDAY, WITH THE CASE GOING TO THE JURY AT NOON NEXT FRIDAY AFTER INSTRUCTIONS FROM SUPERIOR COURT JUDGE HERBERT V. WALKER.

THERE HAVE BEEN 88 WITNESSES -- 59 FOR THE PROSECUTION AND 29 FOR THE DEFENSE -- SINCE THE TRIAL STARTED THREE MONTHS AGO.

THE NEXT TO LAST STATE WITNESS, PSYCHIATRIST SEYMOUR POLLACK, CONCLUDED HIS TESTIMONY FRIDAY. HE STUCK TO HIS OPINION THAT THE 25-YEAR-OLD ARAB COULD "MEANINGFULLY AND MATURELY" DELIBERATE THE ASSASSINATION OF KENNEDY.

THE DOCTOR SAID, HOWEVER, THAT HE FELT SIRHAN WAS MENTALLY ILL TO THE EXTENT THAT HE SHOULD NOT BE EXECUTED BUT BE GIVEN A LIFE SENTENCE AND TREATED AT A STATE MENTAL FACILITY.

IF THE JURY OF SEVEN MEN AND FIVE WOMEN RETURNS A VERDICT OF FIRST DEGREE MURDER, THE TRIAL WILL IMMEDIATELY MOVE INTO THE "PENALTY PHASE" IN WHICH THE JURY DECIDES ON THE SENTENCE -- EITHER DEATH OR LIFE.

BOTH SIDES WILL HAVE THE OPPORTUNITY TO CALL WITNESSES ALL OVER AGAIN BUT THE "SECOND TRIAL" IS EXPECTED TO BE QUITE BRIEF IF IT COMES TO THAT POINT.

IF THE JURY RETURNS A VERDICT OF SECOND DEGREE MURDER, THERE IS AN AUTOMATIC LIFE SENTENCE.

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(SIRHAN) LOS ANGELES--IF SIRHAN B. SIRHAN RECEIVED A LIFE SENTENCE FOR THE SLAYING OF SEN. ROBERT F. KENNEDY HE COULD START APPLYING FOR PAROLE IN SEVEN YEARS, SHOULD STAND.
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Doctor Affirms His 'Doubt' on Sirhan Conduct

By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, April 4—A gray-haired psychiatrist who concluded that Sirhan Bishara Sirhan was capable of first degree murder acknowledge today that he could not confirm the diagnosis "beyond a reasonable doubt."

Dr. Seymour Pollack said his was a medical judgment that could not be equated with the moral certainty required of Sirhan's jurors.

They are expected to begin deliberating on Sirhan's fate next Friday after closing arguments in the Arab immigrant's lengthy trial here for the assassination of Sen. Robert F. Kennedy.

In his last day on the witness stand, Pollack, the prosecution's chief psychiatrist, doggedly held to his claims that Sirhan was not genuinely or "clinically psychotic" when he killed Sen. Kennedy in the Ambassador Hotel here last June or even now after his long confinement in a windowless jail cell.

Chief defense counsel Grant B. Cooper cited Sirhan's repeated outbursts in the courtroom, his demands for his own execution, his grinning at bizarre moments and damning bits of testimony.

"Do you think the defendant was faking?" Cooper asked, dwelling particularly on Sirhan's attempts during the trial to dismiss his lawyers and plead guilty.

'It Was Genuine'

"No, I do not," Pollack said. "It was genuine. . . . He wasn't dramatizing by putting on a show for you or me."

"Do you think it was normal for a man on trial for first-degree murder?"

"No," Pollack replied again. The psychiatrist contended, however, that Sirhan's inappropriate conduct still fell short of what he would call psychotic behavior.

"Sirhan actually said somewhat the same thing to me," Pollack said, alluding to his pre-trial interviews with the 25-year-old defendant. He wanted to be "through with the whole damn thing . . . through with psychiatrists bugging him. He wanted out."

Time and again, but always in subtle fashion, Cooper underscored Pollacks's apparent inconsistency in calling Sirhan "psychotic" in a Feb. 5 report before the actual trial began and then in steering away from the label once it had started.

In the report, the psychiatrist also said he felt Sirhan was suffering from "borderline schizophrenia with paranoid and hysterical features."

Pollack said he still felt that way, with the caveat that Sirhan was still not clincally or overtly psychotic and, in any event, still capable of premeditated murder.

Cooper asked the psychiatrist whether he honestly felt Sirhan had enough self-control to follow the laws of society if he chose, another requisite implicit in the murder charge lodged against him.

"Yes," Pollack said, adding that he considered it "a reasonable medical certainty."

"Do you equate that with 'beyond a reasonable doubt'?" Cooper prodded.

Pollack said he couldn't. The concept of reasonable doubt, he said, is "a moral question" that only the jurors can decide. Of his diagnosis, he said:

"That is not an absolute. I'd like to stress that."

Annoyed at Prosecution

It was a deftly handled cross-examination that wound up with Pollack actually more nettled at the prosecution than the defense. The psychiatrist's annoyance was prompted by Cooper's questioning him about snatches of his jail interviews with Sirhan that appeared on several network television programs earlier in the day.

Angrily, Pollack said that tape recordings of the interviews had been "leaked out." He said he was "very disturbed about it."

They had been released by chief Deputy District Attorney Lynn D. Compton. On leaving the witness stand, Pollack marched downstairs to lodge a sharp protest.

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Called a Liar, Sirhan Flies Into Tantrum

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By George Lardner Jr.
Washington Post Staff Writer

LOS ANGELES, April 1—Called a liar from the witness stand, Sirhan Bishara Sirhan interrupted his murder trial today with a shouting, fist-pounding tantrum.

Superior Court Judge Herbert V. Walker demanded, and got, an apology in open court from the 25-year-old Arab, reportedly as the price for not binding and gagging him.

The temperamental defendant's outburst came in the midst of damaging prosecution testimony that he was, at least subconsciously, faking the blackout he now claims came over him when he assassinated Sen. Robert F. Kennedy in the Ambassador Hotel last June.

The witness, psychiatrist Seymour Pollack, added that he put even less stock in Sirhan's claims that he could remember nothing of his written threats to kill Kennedy. They were scattered through notebooks found in his Pasadena home after the shooting.

Skeptically, Dr. Pollack pointed out that Sirhan has professed an inability to remember writing down even the most innocuous entries in the same notebooks, such as material from his courses at Pasadena City College.

'Blanket Denial'

The grey-haired psychiatrist called Sirhan's claims a "blanket denial" that he found impossible to accept as "genuine amnesia."

Rather, Dr. Pollack said, "It reflects an attempt to avoid the serious significance that would be attributed to these writings . . . evidence of planning and premeditation."

Sirhan cut the doctor off in midsentence, jumping to his feet and shouting at Judge Walker: "Your Honor, sir . . ."

Inspector William Conroy, the chief of security for the trial, and two deputies grabbed Sirhan by the shoulders and shoved him back down into his chair.

He sat there, shaking his head, pounding his fist on a table and murmuring "no . . . no" in muffled protest.

"You settle down or I'll do what I told you I was going to do," Judge Walker told him sternly.

The Judge excused the jury for a 15-minute recess and sent Sirhan to his "holding tank" next to the courtroom to cool off.

"That son of a bitch," Sirhan muttered, still seething at the psychiatrist, as the burley deputies hustled him off.

Sirhan Reaction

Chief defense investigator Michael A. McCowan, who accompanied him, said later that Sirhan told him: "I told the truth and I don't want him (Pollack) to call me a (obscenity) liar."

Judge Walker, meanwhile, held a conference with attorneys for both sides. Defense counsel Emile Zola Berman told reporters the Judge was talking "more seriously about restraints" for Sirhan and wanted, at the least, an apology in the courtroom.

It was delivered by attorney Russell L. Parsons when both Sirhan and his jurors had filed back into their seats.

Parsons said Sirhan "could not control himself" at being called a liar. "He was thrown completely off balance."

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Sirhan's advisers insisted that he wasn't faking, but the episode remained shot through with the ambivalence that has characterized much of the trial. Earlier in the morning, Sirhan had been smiling delightedly as Dr. Pollack told the courtroom why he did not consider the young assassin genuinely psychotic.

Calling the assessment his "very strong and firm clinical opinion," the psychiatrist said Sirhan had a "paranoid personality" but he noted that paranoid traits — feelings of persecution, resentment and distrust—are present "in all of us to some degree."

"The big question," as Dr. Pollack put it, was whether Sirhan was suffering from psychotic delusions that would put him beyond the pale.

Sirhan, he testified, believed that "Sen. Kennedy was a bad person, that he was anti-Palestinian Arab, that the American Jews were supporting the Zionist cause, that the U.S. Government was a politically hypocritical setup, and that politicians are opportunists.

"Although I don't share those beliefs," Dr. Pollack went on, "at least not to the extent Sirhan did, there are a large number of people in the United States and elsewhere who do."

Sirhan's convictions, the jurors were told, might include mistaken beliefs—in a sense, delusions. But, Dr. Pollack said, that no more qualifies Sirhan as a psychotic than would the widespread conviction that an earthquake is about to send California sliding into the sea.

Bitterness Focused

In any event, the psychiatrist suggested, Sirhan focused his bitterness on Kennedy whom he saw as having "sold out" to the Israeli cause.

As a result, Dr. Pollack said he was convinced that the frustrated defendant "went to the Ambassador Hotel with the conscious intent of killing Sen. Kennedy and even hoped to escape in the pandemonium that was sure to follow.

To Sirhan, "the Kennedy image was the Jew image," Dr. Pollack declared. "Sirhan killed Kennedy because he hated him for what he stood for. Sirhan saw himself as a defender of the Arab cause," bent on commanding worldwide attention for it.

Reading from a sheaf of lengthy reports, the bespectacled psychiatrist indicated he was less skeptical of Sirhan's protestations that he cannot now remember the shooting—as distinct from his notebook threats.

But he was firm in ruling it out as a genuine blackout. If Sirhan has wiped the shooting from his mind, Dr. Pollack said, it was only later on, perhaps "a day or two after his apprehension," and largely out of fear of being sent to the gas chamber.

Verge of Amnesia

In short, Dr. Pollack said, far from waking from a spell of amnesia after the shooting, Sirhan was, at best, on the verge of plunging into one "as a technique to avoid full legal repercussions."

All this, the doctor said, was far from psychotic. He said he found no evidence of Sirhan's having been in a hypnotic trance at the time of the shooting and suggested that the few drinks he downed earlier that night were taken simply to "bolster his courage."

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